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 10 CITY OF LOS ANGELES, ERIC GARCETTI, and HOLLY WOLCOTT

11 **UNITED STATES DISTRICT COURT**
 12 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**
 13

14 NATIONAL RIFLE ASSOCIATION OF)	Case No.: 19-cv-03212-SVW-GJS
15 AMERICA; JOHN DOE,)	
16)	DEFENDANTS CITY OF LOS ANGELES,
17 Plaintiffs,)	ERIC GARCETTI, AND HOLLY
18 vs.)	WOLCOTT’S REQUEST FOR JUDICIAL
19)	NOTICE IN SUPPORT OF THEIR MOTION
20 CITY OF LOS ANGELES; ERIC)	TO DISMISS THE COMPLAINT
21 GARCETTI, in his official capacity as)	
22 Mayor of the City of Los Angeles;)	Date: July 8, 2019
23 HOLLY L. WOLCOTT, in her official)	Time: 1:30 p.m.
24 capacity as City Clerk of the City of Los)	Ctrm: 10A-First Street Courthouse
25 Angeles, and DOES 1-10,)	Judge: Hon. Stephen V. Wilson
26 Defendants.	

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 Action Filed: 04/24/2019

1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 **PLEASE TAKE NOTICE** that in support of their motion to dismiss, Defendants
3 City of Los Angeles (the “City”) Los Angeles Mayor Eric Garcetti, and Los Angeles City
4 Clerk Holly Wolcott request, pursuant to Rule 201 of the Federal Rules of Evidence, that
5 the Court take judicial notice of the following document attached to the Declaration of
6 Benjamin Chapman (“Chapman Decl.”):

7 Exhibit A: Section 371 of the Los Angeles City Charter, which is available
8 on the Internet at [https://www.lacity.org/your-](https://www.lacity.org/your-government/government-information/city-charter-rules-and-codes)
9 [government/government-information/city-charter-rules-and-](https://www.lacity.org/your-government/government-information/city-charter-rules-and-codes)
10 [codes](https://www.lacity.org/your-government/government-information/city-charter-rules-and-codes) (last visited May 23, 2019).

11 **I. LEGAL STANDARD**

12 In ruling on a Rule 12(b)(6) motion to dismiss, courts must consider “documents
13 incorporated into the complaint by reference, and matters of which a court may take
14 judicial notice.” *Tellabs, Inc. v. Makor Issues & Rights, Ltd.*, 551 U.S. 308, 322 (2007).
15 A court may take judicial notice of matters that are capable of immediate and accurate
16 determination by resort to easily accessible sources of indisputable accuracy. (Fed. R.
17 Evid. § 201(b).) A court “shall take judicial notice if requested by a party and supplied
18 with the necessary information.” (*Id.* § 201(d).)

19 **A. Exhibit A Is Properly Subject To Judicial Notice Under Federal Rule
20 Of Evidence Section 201(b).**

21 Exhibit A to the Chapman Declaration is Section 371 of the Los Angeles City
22 Charter. Under Federal Rule of Evidence section 201, judicial notice may be taken of a
23 fact “not subject to reasonable dispute because it ... can be accurately and readily
24 determined from sources whose accuracy cannot reasonably be questioned.” (Fed. R.
25 Evid. § 201(b)(1).) Courts routinely take judicial notice of Charter provisions, which are
26 matters of public record. *See, e.g., Chew v. City & County of San Francisco*, No. 13-cv-
27 05286-MEJ, 2016 U.S. Dist. LEXIS 19987, at *2 (N.D. Cal. Feb. 17, 2016) (taking judicial
28 notice of San Francisco City Charter provisions, noting “[t]he Court may take judicial
notice of matters of public record, including official municipal enactments, ordinances

1 and statutes”); *Gallagher v. San Diego Unified Port Dist.*, No. 08-CV-886-IEG-RBB,
2 2009 U.S. Dist. LEXIS 9277, at *3 n.2 (S.D. Cal. Feb. 6, 2009) (“City charters and
3 ordinances are proper subjects for judicial notice, as they are considered within the
4 public’s common knowledge.” (citing Fed. R. Evid. § 201)).

5 **II. CONCLUSION**

6 For the reasons stated herein, Defendants respectfully request that the Court take
7 judicial notice of Exhibit A, which is attached to the Chapman Declaration.

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10 Dated: May 23, 2019

OFFICE OF THE CITY ATTORNEY OF LOS
ANGELES

11
12 By:

/s/ Benjamin Chapman

Benjamin Chapman

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15 Attorneys for Defendants
16 CITY OF LOS ANGELES, ERIC
17 GARCETTI, and HOLLY WOLCOTT
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