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9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA**
11 **SOUTHERN DIVISION**

13 STEVEN RUPP, et al.,

14 Plaintiffs,

15 v.

16 XAVIER BECERRA, in his official
17 capacity as Attorney General of the
State of California,

18 Defendant.

Case No.: 8:17-cv-00746-JLS-JDE

**REQUEST FOR JUDICIAL
NOTICE IN SUPPORT OF
PLAINTIFFS' OPPOSITION TO
DEFENDANT'S MOTION FOR
SUMMARY JUDGMENT;
EXHIBITS 1-2**

Hearing Date: May 31, 2019
Hearing Time: 10:30 a.m.
Courtroom: 10A
Judge: Josephine L. Staton

REQUEST FOR JUDICIAL NOTICE

Under Federal Rule of Evidence 201, Plaintiffs Steven Rupp, Steven Dember, Cheryl Johnson, Michael Jones, Christopher Seifert, Alfonso Valencia, Troy Willis, Dennis Martin, and the California Rifle & Pistol Association, Incorporated, respectfully request that the Court take judicial notice of the following documents in support of Plaintiffs' opposition to Defendant's motion for summary judgment:

1. 2017 Crime in the United States: Expanded Homicide Data Table 8, Federal Bureau of Investigation, <https://ucr.fbi.gov/crime-in-the-u.s/2017/crime-inthe-u.s.-2017/topic-pages/tables/expanded-homicide-data-table-8.xls> (last visited May 2, 2019). A true and correct copy of this document is attached as **Exhibit 1**.

2. Senate Budget Subcommittee #5 May 4th, 2017, Hearing @ 21:45, available at <https://www.senate.ca.gov/media/senate-budget-subcommittee-2-20170504/video>. A true and correct copy of this document is attached as **Exhibit 2**.

Judicial notice is proper because the documents for which this request is made are "capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned." Fed. R. Evid. 201(b)(2). "A trial court may presume that public records are authentic and trustworthy." *Gilbrook v. City of Westminster*, 177 F.3d 839, 858 (9th Cir. 1999) (taking judicial notice of agency report). A court shall take judicial notice of such a fact if requested by a party and supplied with the necessary information. Fed. R. Evid. 201(d).

"Legislative history is properly a subject of judicial notice." *Anderson v. Holder*, 673 F.3d 1089, 1094 n.1 (9th Cir. 2012); *Chaker v. Crogan*, 428 F.3d 1215, 1223 n.8 (9th Cir. 2005) (discussing legislative history of California statute). Further, "a federal court must take judicial notice of state statutes 'without plea or proof.'" *Getty Petroleum Mktg., Inc. v. Capital Terminal Co.*, 391 F.3d 312, 323 (1st Cir. 2004) (citing *Lamar v. Micou*, 114 U.S. 218, 223 (1885)).

Here, the accuracy of all the public records subject to Plaintiffs' Request for

Judicial Notice, consisting of enacted legislation and legislative history, cannot reasonably be questioned. Judicial notice of these records is therefore appropriate.

Dated: May 2, 2019

MICHEL & ASSOCIATES, P.C.

s/ Sean A. Brady

Sean A. Brady
Attorneys for Plaintiffs

EXHIBIT 1

Home (<https://ucr.fbi.gov>) • Crime in the U.S. (<https://ucr.fbi.gov/crime-in-the-u.s>) • 2017 (<https://ucr.fbi.gov/crime-in-the-u.s/2017>) • Crime in the U.S. 2017 (<https://ucr.fbi.gov/crime-in-the-u.s/2017/crime-in-the-u.s.-2017>) • Tables (<https://ucr.fbi.gov/crime-in-the-u.s/2017/crime-in-the-u.s.-2017/tables>) • Expanded Homicide Data Table 8



Criminal Justice Information Services Division (<https://www.fbi.gov/services/cjis>)

Feedback (<https://forms.fbi.gov/cius-feedback-2017>) | Contact Us (<https://ucr.fbi.gov/crime-in-the-u.s/2017/crime-in-the-u.s.-2017/topic-pages/contact-us>) | Data Quality Guidelines (<https://ucr.fbi.gov/data-quality-guidelines-new>) | UCR Home (<https://ucr.fbi.gov/>)

[Home \(https://ucr.fbi.gov/crime-in-the-u.s/2017/crime-in-the-u.s.-2017/home\)](https://ucr.fbi.gov/crime-in-the-u.s/2017/crime-in-the-u.s.-2017/home)

[Offenses Known to Law Enforcement \(https://ucr.fbi.gov/crime-in-the-u.s/2017/crime-in-the-u.s.-2017/topic-pages/offenses-known-to-law-enforcement\)](https://ucr.fbi.gov/crime-in-the-u.s/2017/crime-in-the-u.s.-2017/topic-pages/offenses-known-to-law-enforcement)

[Violent Crime \(https://ucr.fbi.gov/crime-in-the-u.s/2017/crime-in-the-u.s.-2017/topic-pages/violent-crime\)](https://ucr.fbi.gov/crime-in-the-u.s/2017/crime-in-the-u.s.-2017/topic-pages/violent-crime) **Expanded Homicide Data Table 8**

[Property Crime \(https://ucr.fbi.gov/crime-in-the-u.s/2017/crime-in-the-u.s.-2017/topic-pages/property-crime\)](https://ucr.fbi.gov/crime-in-the-u.s/2017/crime-in-the-u.s.-2017/topic-pages/property-crime) **Murder Victims**
by Weapon, 2013–2017

[Clearances \(https://ucr.fbi.gov/crime-in-the-u.s/2017/crime-in-the-u.s.-2017/topic-pages/clearances\)](https://ucr.fbi.gov/crime-in-the-u.s/2017/crime-in-the-u.s.-2017/topic-pages/clearances)

[Persons Arrested \(https://ucr.fbi.gov/crime-in-the-u.s/2017/crime-in-the-u.s.-2017/topic-pages/persons-arrested\)](https://ucr.fbi.gov/crime-in-the-u.s/2017/crime-in-the-u.s.-2017/topic-pages/persons-arrested)

[Police Employee Data \(https://ucr.fbi.gov/crime-in-the-u.s/2017/crime-in-the-u.s.-2017/topic-pages/police-employee-data\)](https://ucr.fbi.gov/crime-in-the-u.s/2017/crime-in-the-u.s.-2017/topic-pages/police-employee-data)

Download Excel (<https://ucr.fbi.gov/crime-in-the-u.s/2017/crime-in-the-u.s.-2017/tables/expanded-homicide-data-table-8.xls/output.xls>)

Weapons	2013	2014	2015	2016	2017
Total	12,253	12,270	13,750	15,296	15,129
Total firearms:	8,454	8,312	9,778	11,138	10,982
Handguns	5,782	5,673	6,569	7,204	7,032
Rifles	285	258	258	378	403
Shotguns	308	264	272	261	264
Other guns	123	93	177	187	187
Firearms, type not stated	1,956	2,024	2,502	3,108	3,096
Knives or cutting instruments	1,490	1,595	1,589	1,632	1,591
Blunt objects (clubs, hammers, etc.)	428	446	450	479	467
Personal weapons (hands, fists, feet, etc.) ¹	687	682	659	669	696
Poison	11	10	8	13	13
Explosives	2	7	1	1	0
Fire	94	71	84	114	103
Narcotics	53	70	75	122	97
Drowning	4	14	14	9	8
Strangulation	85	89	99	99	88
Asphyxiation	95	102	120	93	105

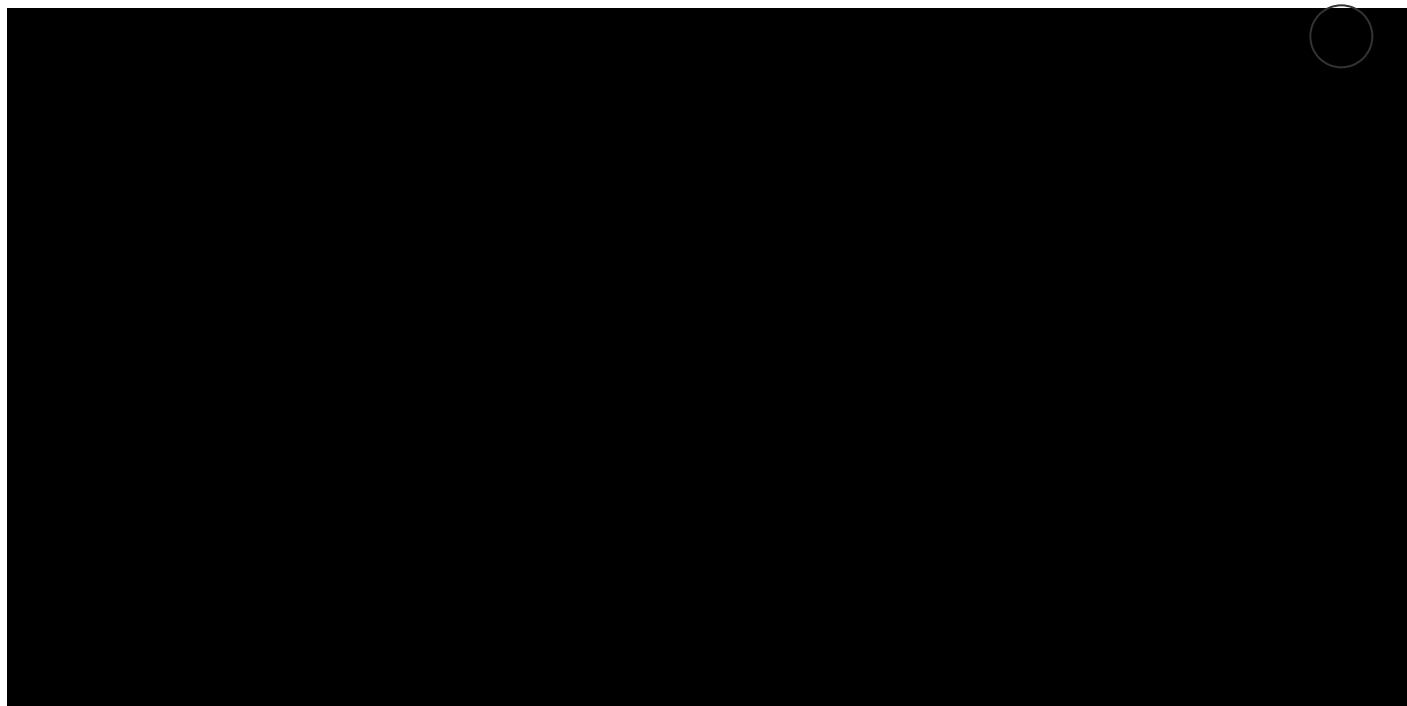
Weapons	2013	2014	2015	2016	2017
Other weapons or weapons not stated	850	872	873	927	979


- ¹ Pushed is included in personal weapons.

EXHIBIT 2

Media on Demand

Senate Budget Subcommittee #5 , Thursday, May 4th, 2017



 [Download Video \(http://vod.senate.ca.gov/videos/2017/20170504_BudgetSub5_high.mp4\)](http://vod.senate.ca.gov/videos/2017/20170504_BudgetSub5_high.mp4)

 [Download Audio \(http://vod.senate.ca.gov/videos/2017/20170504_BudgetSub5_audio.m4a\)](http://vod.senate.ca.gov/videos/2017/20170504_BudgetSub5_audio.m4a)

The 'Download Video' link will download a video file and a closed caption file. To enable captions, please refer to the documentation of your video player.

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CERTIFICATE OF SERVICE
IN THE UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

Case Name: *Rupp, et al. v. Becerra*
Case No.: 8:17-cv-00746-JLS-JDE

IT IS HEREBY CERTIFIED THAT:

I, the undersigned, am a citizen of the United States and am at least eighteen years of age. My business address is 180 East Ocean Boulevard, Suite 200, Long Beach, California 90802.

I am not a party to the above-entitled action. I have caused service of:

**REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF
PLAINTIFFS' OPPOSITION TO DEFENDANT'S
MOTION FOR SUMMARY JUDGMENT; EXHIBITS 1-2**

on the following party by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which electronically notifies them.

Xavier Becerra
Attorney General of California
Peter H. Chang
Deputy Attorney General
E-mail: peter.chang@doj.ca.gov
John D. Echeverria
Deputy Attorney General
E-mail: john.echeverria@doj.ca.gov
455 Golden Gate Ave., Suite 11000
San Francisco, CA 94102

I declare under penalty of perjury that the foregoing is true and correct.

Executed May 2, 2019.

s/ Laura Palmerin

Laura Palmerin