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6 Attorneys for Defendants County of Ventura  
(also erroneously sued as Ventura County Public  
7 Health Care Agency), Sheriff William Ayub  
(erroneously sued as "Bill Ayub"), Robert Levin  
8 and William T. Foley

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10 UNITED STATES DISTRICT COURT  
11 CENTRAL DISTRICT OF CALIFORNIA

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13	DONALD MCDUGALL, an individual; JULIANA GARCIA, an individual; SECOND AMENDMENT FOUNDATION; CALIFORNIA GUN RIGHTS FOUNDATION; and FIREARMS POLICY COALITION, INC.,	)	No. 2:20 cv-02927 CBM(ASX)
14		)	DEFENDANTS' SUPPLEMENTAL REQUEST FOR JUDICIAL NOTICE
15		)	IN SUPPORT OF MOTION TO DISMISS FIRST AMENDED COMPLAINT
16		)	
17	Plaintiffs,	)	Date: June 30, 2020
18	vs.	)	Time: 10:00 a.m.
19	COUNTY OF VENTURA, CALIFORNIA; BILL AYUB, in his official capacity; WILLIAM T. FOLEY, in his official capacity; ROBERT LEVIN, in his official capacity; and VENTURA COUNTY PUBLIC HEALTH CARE AGENCY,	)	Ctrm: 8b
20		)	Judge: Hon. Consuelo B. Marshall
21		)	Trial: Not Set
22		)	Complaint Filed: March 28, 2020
23	Defendants.	)	

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1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 Defendants County of Ventura (sued in its own name and erroneously in the  
3 name of “Ventura County Public Health Care Agency”), Sheriff William Ayub  
4 (erroneously sued as “Bill Ayub”), Robert Levin and William T. Foley  
5 (collectively “Defendants”), pursuant to Federal Rules of Evidence, rule 201,  
6 request that this court take judicial notice of the following official public  
7 documents and newspaper articles, including:

8 **Exhibit 1:** County of Ventura, Stay Well VC, Safely Reopening Ventura  
9 County (June 11, 2020).

10 Defendants respectfully submit that public documents and newspaper  
11 articles are proper for judicial notice as well as for consideration by this court with  
12 Defendants’ opposition to the motion for preliminary injunction filed by plaintiffs  
13 Donald McDougall, Juliana Garcia, Second Amendment Foundation, California  
14 Gun Rights Foundation and Firearms Policy Coalition (collectively “Plaintiffs”).  
15 Courts may take judicial notice of “a fact that is not subject to reasonable dispute  
16 because it . . . can be accurately and readily determined from sources whose  
17 accuracy cannot reasonably be questioned” and where such judicial notice “is  
18 requested by a party and supplied with the necessary information” “at any stage of  
19 the proceeding.” (Fed. Rules Evid., rules 201(b)(2), (d) and (f); *Hepting v. AT & T*  
20 *Corp.* (N.D. Cal. 2006) 439 F.Supp.2d 974, 987-989 [taking judicial notice of  
21 official reports, newspaper articles, and press releases]; *Pacific Gas & Elec. Co. v.*  
22 *Lynch* (C.D. Cal. May 2, 2001) No. CV 01-1083RSWLSHX, 2001 WL 840611 at  
23 \*6 [taking judicial notice of California Governor Gray Davis’s January 17, 2001,  
24 Proclamation of a State of Emergency]; *U.S. ex rel. Modglin v. DJO Global Inc.*  
25 (C.D. Cal. 2014) 48 F.Supp.3d 1362, 1381 [“Under Rule 201, the court can take  
26 judicial notice of ‘[p]ublic records and government documents available from  
27 reliable sources on the Internet,’ such as websites run by governmental agencies”];  
28 *County of Santa Clara v. Trump* (N.D. Cal. 2017) 250 F.Supp.3d 497, 520 [taking  
judicial notice of proclamations made by U.S. Attorney General Jeff Sessions];



**STAY WELL VC**  
**Safely Reopening Ventura County**  
**HEALTH OFFICER ORDER**  
**COUNTY OF VENTURA**  
**FOR CONTROL OF COVID-19 WITHIN THE COUNTY OF VENTURA**  
**Effective Date: June 11, 2020, 11:59 p.m.**

**Please read this Order carefully.** This Order issued by the Ventura County Health Officer shall become effective at 11:59 p.m. on June 11, 2020, and shall replace the Health Officers May 29, 2020 Order. Any prior violations of the previous orders remain prosecutable, criminally or civilly. Pursuant to Health and Safety Code section 120295 et seq., violation of or failure to comply with this Order is a misdemeanor punishable by fine, imprisonment, or both.

**UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 101040, 101085 AND 120175, THE HEALTH OFFICER OF THE COUNTY OF VENTURA ORDERS:**

1. **Admittance to Long-Term Care Facilities.** Long-Term Care Facilities may not refuse to admit any person who has been diagnosed with or treated for COVID-19 after that person has been discharged from a health care facility and approved for admittance to a Long-Term Care Facility by the Ventura County Public Health Department.

a. For purposes of this Order, “Long-Term Care Facility” means a long-term care facility, skilled nursing facility, intermediate care facility, congregate living health facility, nursing facility, hospice facility, residential care facility for the elderly, residential facility, or community care facility as defined in Health and Safety Code sections 1250, 1502, 1503.5 and 1569, and regulations promulgated thereunder, as they may be amended from time to time.

2. **Hospitals and Long-Term Care Facilities.** The County Health Officer recognizes the authority of the guidance documents “Hospital Holding Unit Guidance for COVID-19” and “Long-Term Care Facility Guidance for Preventing and Managing COVID-19” (the current versions of which are available at [www.vcemergency.com](http://www.vcemergency.com)) and strongly advises all hospitals and Long-Term Care Facilities to comply with the guidance.

3. **Businesses must establish, implement and enforce COVID-19 prevention plans.** Businesses, with the exception of those listed as exempt in the County of Ventura Frequently Asked Questions (FAQ) website at: [www.vcemergency.com/covid19/staywellvc/faqs-general](http://www.vcemergency.com/covid19/staywellvc/faqs-general) , must establish, implement and enforce a site-specific prevention plan in accordance with the State of California COVID-19 industry Guidance and associated checklist found at [covid19.ca.gov/roadmap](http://covid19.ca.gov/roadmap). Prior to reopening, businesses must register and attest to their preparedness for safely reopening at [vcreopen.com](http://vcreopen.com). Businesses that were operating under a previous order must also register and attest to their adherence to state guidelines.

As a condition of operation, each business must post a written notice explaining how it will comply with Social Distancing Requirements in conspicuous places where it can easily be seen by employees and patrons of the business facility. The written posting shall identify by name and telephone number the County COVID-19 Compliance Hotline where compliance related questions or complaints may be reported by employees and patrons.

Further, businesses, as a condition of operation, shall admit without delay any officer, employee or agent of the County of Ventura or local city to their business facilities for the purposes of inspection for monitoring and compliance. The failure to cooperate with such inspectors, or repeated and confirmed violations of COVID-19 prevention requirements, may lead to issuance of a business-specific closure order by the County Health Officer.

4. **Local Adoption of State Guidances on Specified Businesses and Activities.** The State Public Health Officer and Director of the California Department of Public Health has issued several guidances allowing for the reopening of specified businesses and engagement in specified activities conditioned on the approval of local health officers. The County Health Officer has approved implementation of the businesses and activities described in the following State guidance documents, subject to any additional requirements that may be set forth in the County of Ventura's Frequently Asked Questions (FAQ's) website:

COVID-19 Industry Guidance: Places of Worship and Providers of Religious Services and Cultural Ceremonies (Released May 25, 2020)

COVID-19 Industry Guidance: Campgrounds, RV Parks, and Outdoor Recreation (Released June 5, 2020)

COVID-19 Industry Guidance: Cardrooms, Satellite Wagering Facilities, and Racetracks (Released June 5, 2020)

COVID-19 Industry Guidance: Tribal Casinos (Released June 5, 2020)

COVID-19 Industry Guidance: Day Camps (Released June 5, 2020)

COVID-19 Industry Guidance: Family Entertainment Centers (Released June 5, 2020)

COVID-19 Industry Guidance: Fitness Facilities (Released June 5, 2020)

COVID-19 Industry Guidance: Hotels, Lodging, and Short Term Rentals (Released June 5, 2020)

COVID-19 Industry Guidance: Restaurants, Bars, and Wineries (Released June 5, 2020)

COVID-19 Industry Guidance: Schools and School-Based Programs (Released June 5, 2020)

COVID-19 Industry Guidance: Museums, Galleries, Zoos, and Aquariums (Released June 5, 2020)

[Note: State guidances which are not expressly conditioned on approval of local health officers have not been listed above, but remain in force and effect under State authority.]

5. **All Requirements Set Forth in the County of Ventura FAQ's Are Directives of the County Health Officer.** Due to the quickly evolving nature of local health conditions and State orders, the County Health Officer has determined that the public would be best served by utilizing FAQ's that can be easily accessed by members of the public and quickly updated by the Health Officer as circumstances warrant. Therefore, all FAQ's on the County of Ventura website at [www.vcemergency.com/covid19/staywellvc/faqs-general](http://www.vcemergency.com/covid19/staywellvc/faqs-general) shall be deemed to be a directive of the County Health Officer.

6. **Compliance.** The violation of any provision of this Local Order, the County's FAQ's or the State Stay at Home Order constitutes a threat to public health and a public nuisance per se. In addition, pursuant to Government Code sections 26602 and 41601 and Health and Safety Code section 101029, the County Health Officer requests that the Sheriff and all chiefs of police in the County ensure compliance with and enforce this Local Order.

7. **Violation may constitute unfair competition.** Any person that, after notice, operates, manages, maintains or occupies or continues to operate, manage, maintain or occupy, any business in violation of this Local Order or the State Stay at Home Order may, in addition or in the alternative to any other civil and criminal penalties allowed by law, be subject to liability under the Unfair Competition Law (chapter 5 of part 2 of division 7 of the Business and Professions Code, commencing at section 17200), and subject to civil penalties and other relief as provided therein, for each act or practice in violation of this Local Order, the State Stay at Home Order, any predecessor order, or any of them.

8. **More restrictive provisions of local and State orders enforceable.** This Local Order is issued to supplement the State Stay at Home Order, which establishes minimum requirements for individuals and businesses, as well as the Governor's March 19, 2020, Executive Order N-33-20 directing California residents to follow the State Stay at Home Order. Where a conflict exists between this Local Order and any State public health order, including the State Stay at Home Order, the more restrictive provision controls.

9. **Applicable to entire County.** This Order applies to all persons in the cities and the entire unincorporated area of the County.

10. **Effective date and time.** This Order shall become effective and operative at 11:59 p.m. on June 11, 2020, and will continue to be in effect until rescinded, superseded or amended in writing by the County Health Officer.

11. **Copies of Local Order.** Copies of this Local Order shall promptly be: (1) made available at the County of Ventura Public Health Office, 2240 East Gonzalez Road, Suite 210, Oxnard, California, 93036; (2) posted on the Ventura County Public Health Department website (available at [www.vchca.org/ph](http://www.vchca.org/ph)); and (3) provided to any member of the public requesting a copy of this Local Order.

12. **Severability.** If any provision of this Local Order or the application thereof to any person or circumstance is held to be invalid by a court of competent jurisdiction, the remainder of the Local Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Local Order are severable.

**IT IS SO ORDERED:**

  
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**Robert Levin, M.D.**  
**Ventura County Health Officer**

Dated: June 11, 2020