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8 **UNITED STATES DISTRICT COURT**  
9 **CENTRAL DISTRICT OF CALIFORNIA—WESTERN DIVISION**

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<p>ADAM BRANDY, an individual; JONAH MARTINEZ, an individual; DAEMION GARRO, an individual; DG 2A ENTERPRISES INC., d.b.a. GUN WORLD; JASON MONTES, an individual; WEYLAND-YUTANI LLC, d.b.a. MATCH GRADE GUNSMITHS; ALAN KUSHNER, an individual; THE TARGET RANGE; TOM WATT, an individual; A PLACE TO SHOOT, INC.; SECOND AMENDMENT FOUNDATION; CALIFORNIA GUN RIGHTS FOUNDATION; NATIONAL RIFLE ASSOCIATION OF AMERICA; and FIREARMS POLICY COALITION, INC.,</p>	<p>Case No. 2:20-cv-02874-AB-SK Honorable André Birotte, Jr. <b>DEFENDANTS COUNTY OF LOS ANGELES, SHERIFF ALEX VILLANUEVA AND BARBARA FERRER’S REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF THEIR MOTION FOR JUDGMENT ON THE PLEADINGS; EXHIBITS IN SUPPORT THEREOF</b>  <i>[Defendants’ Notice of Motion and Motion for Judgment on the Pleadings filed and [Proposed] Order lodged concurrently herewith]</i>  Date: September 18, 2020 Time: 10:00 a.m. Crtn.: First Street, 7B</p>
<p>Plaintiffs,</p>	
<p>vs.</p>	
<p>ALEX VILLANUEVA, in his official capacity as Sheriff of Los Angeles County, California, and in his capacity as the Director of Emergency Operations; GAVIN NEWSOM, in his official capacity as Governor and Commander in Chief of the State of California; SONIA Y. ANGELL, in her official capacity as California Public Health Officer; BARBARA FERRER, in her official capacity as Director of Los Angeles County Department of Public Health;</p>	



1 court can take judicial notice of its own files and records under Rule 201 of the  
2 Federal Rules of Evidence.” *Gerritsen v. Warner Bros. Entm't Inc.*, 112 F.  
3 Supp.3d 1011, 1034 (C.D. Cal. Jan. 30, 2015).

4 Moreover, judicial notice of information published on government  
5 websites, such as COVID-19 related information published on publicly available  
6 web pages of the websites of the Centers for Disease Control and the County of  
7 Los Angeles is proper under FRCP Rule 201. *See Uribe v. Perez*, 2020 WL  
8 131858, at \*4 (C.D. Cal. Mar. 3, 2020), *report and recommendation adopted*  
9 (C.D. Cal. Mar. 20, 2020) 2020 WL 1317727 (granting the request for judicial  
10 notice of three publicly available Centers for Disease Control web pages  
11 identifying “‘key facts’, according to the CDC, about who may contract  
12 norovirus, the number infected each year, how norovirus spreads, tips for  
13 prevention, and treatment of norovirus.”)<sup>1</sup>; *McGhee v. City of Flagstaff*, 2020 WL  
14 2309881, at \*2-4 (D. Ariz., May 8, 2020) (taking judicial notice of COVID-19  
15 related guidance published by the CDC, available on government websites,  
16 including information “on the manner and speed at which the virus is spreading”);  
17 *Glenn v. B & R Plastics, Inc.*, 326 F.Supp.3d 1044, 1068 (D. Idaho, July 16,  
18 2018) (“it is proper to take judicial notice of information from a federal agency,  
19 such as the CDC, under [FRCP] Rule 201 ... as facts from a governmental agency  
20 that are not subject to reasonable dispute”); *Gent v. CUNA Mut. Ins. Soc’y*, 611  
21 F.3d 79, 84 n.5 (1st Cir. 2010) (taking judicial notice of records on  
22 the CDC's website); *New Mexico ex rel. Richardson v. Bureau of Land Mgmt.*,  
23 565 F.3d 683, 702 n.22 (10th Cir. 2009) (taking judicial notice of materials on the  
24 websites of two federal agencies).

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27 <sup>1</sup> These websites were: <https://www.cdc.gov/norovirus/downloads/keyfacts.pdf>;  
28 <https://www.cdc.gov/norovirus/trends-outbreaks/burden-US.html>;  
<https://www.cdc.gov/norovirus/index.html>.

**Items For Which Judicial Notice Is Requested Pursuant to  
Federal Rules of Civil Procedure, Rule 201**

Exhibit No.	Description of Document/Record/Website
1	Safer at Home Order for Control of COVID-19: Temporary Prohibition of Events and Gatherings of 10 Persons or More Closure of Non-Essential Businesses and Areas, issued on March 19, 2020, published at <a href="http://publichealth.lacounty.gov/media/coronavirus/">http://publichealth.lacounty.gov/media/coronavirus/</a>
2	Reopening Safer at Work and in the Community for Control of COVID-19 Moving the County of Los Angeles into Stage 3 of California’s Pandemic Resilience Roadmap, issued on June 18, 2020, published at <a href="http://publichealth.lacounty.gov/media/coronavirus/">http://publichealth.lacounty.gov/media/coronavirus/</a>
3	Novel Coronavirus (COVID-19) Reopening Safer at Work and in the Community for Control of COVID-19 Order: Examples of What’s Open in Los Angeles County, issued on June 19, 2020, published at <a href="http://publichealth.lacounty.gov/media/coronavirus/">http://publichealth.lacounty.gov/media/coronavirus/</a>
4	Protocols for Retail Establishments Opening for In-person Shopping: Appendix B, dated June 23, 2020, published at <a href="http://publichealth.lacounty.gov/media/coronavirus/">http://publichealth.lacounty.gov/media/coronavirus/</a>
5	Reopening Safer at Work and in the Community for Control of COVID-19 Moving the County of Los Angeles into Stage 3 of California’s Pandemic Resilience Roadmap, issued on August 12, 2020, published at <a href="http://publichealth.lacounty.gov/media/coronavirus/">http://publichealth.lacounty.gov/media/coronavirus/</a>
6	Protocols for Retail Establishments – Opening for In-person Shopping: Appendix B, revised on July 18, 2020, published at <a href="http://publichealth.lacounty.gov/media/coronavirus/">http://publichealth.lacounty.gov/media/coronavirus/</a>
7	County of Los Angeles Public Health Officer Orders’ Impact on Daily Life FAQs (English), dated August 13, 2020, published at <a href="http://publichealth.lacounty.gov/media/coronavirus/">http://publichealth.lacounty.gov/media/coronavirus/</a>

8	Order denying the plaintiffs’ <i>ex parte</i> application for temporary restraining order against the County of Ventura from ordering the closure of gun stores pursuant to the County’s “Stay Well at Home Order”, entered on April 1, 2020 in <i>McDougall v. County of Ventura California</i> , U.S.D.C. Case No. 2:20-cv-02927-CBM-AS (ECF No. 12)
9	The information regarding the confirmed cases of COVID-19 and COVID-19 related deaths in the County of Los Angeles and the other Counties in the State of California, published by the Centers for Disease Control at <a href="https://www.cdc.gov/coronavirus/2019-ncov/cases-updates/county-map.html">https://www.cdc.gov/coronavirus/2019-ncov/cases-updates/county-map.html</a> , last visited on August 21, 2020
10	The information regarding the number of confirmed cases of COVID-19 and COVID-19 related deaths in the United States, published by the Centers for Disease Control at <a href="https://www.cdc.gov/coronavirus/2019-ncov/cases-updates/cases-in-us.html">https://www.cdc.gov/coronavirus/2019-ncov/cases-updates/cases-in-us.html</a> , last visited on August 21, 2020

Dated: August 21, 2020

LAWRENCE BEACH ALLEN & CHOI, PC

By   /s/ Jin S. Choi    
 Jin S. Choi  
 Attorneys Defendants County of Los Angeles, Sheriff Alex Villanueva, and Barbara Ferrer