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| 7 8 9 10 11 12 | Raymond M. DiGuiseppe (SB #228457) THE DIGUISEPPE LAW FIRM, P.C. 4320 Southport-Supply Road, Suite 300 Southport, North Carolina 28461 Phone: 910-713-8804 Fax: 910-672-7705 Email: law.rmd@gmail.com Attorneys for Plaintiffs UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA | |
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| 15 16 17 18 19 20 21 22 | DONALD MCDOUGALL, <i>et al.</i> , Plaintiffs, vs. COUNTY OF VENTURA, CALIFORNIA, <i>et al.</i> , Defendants. | Case No. 2:20-cv-02927-CBM (ASx) PLAINTIFFS' SUPPLEMENTAL REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF THEIR OPPOSITION TO DEFENDANTS' MOTION TO DISMISS FIRST AMENDED COMPLAINT |
| 23 24 25 26 27 28 | Plaintiffs, by and through counsel, collectively request this Court take judicial notice, pursuant to Rule 201 of the Federal Rules of Evidence, of the following matters of public record relevant to the adjudication of the Motion to Dismiss: Exhibit A : The opinion in <i>Duncan v. Becerra</i> , F.3d (9th Cir. 2020), 2020 WL 4730668, published on August 14, 2020; and | |

- Exhibit B: The opinion in County of Butler v. Wolf, _____F.Supp.3d _____(W.D.

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 Pa. 2020), 2020 WL 5510690, published September 14, 2020.
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As recently published case authorities from readily available and verifiable
sources, these opinions are "matters of public record" proper for judicial notice. *Daghlian v. DeVry University, Inc.*, 461 F.Supp.2d 1121, 1143 (C.D. Cal. 2006)
(quoting *Lee v. City of Los Angeles*, 250 F.3d 668, 688 (9th Cir.2001) ("under
Fed.R.Evid. 201, a court may take judicial notice of 'matters of public record"); *Reyn's Pasta Bella, LLC v. Visa USA, Inc.*, 442 F.3d 741, 746, n. 6 (9th Cir. 2006)
("We may take judicial notice of court filings and other matters of public record.").

10 Further, the opinion in Duncan v. Becerra must be considered binding 11 precedent from the date it was issued. Yong v. I.N.S., 208 F.3d 1116, 1119, n. 2 (9th 12 Cir. 2000) ("once a federal circuit court issues a decision, the district courts within 13 that circuit are bound to follow it and have no authority to await a ruling by the 14 Supreme Court before applying the circuit court's decision as binding authority"); 15 accord Durham v. Prudential Insurance Company of America, 236 F.Supp.3d 1140, 16 1147 (C.D. Cal. 2017); Zuniga v. United Can Co., 812 F.2d 443, 450 (9th Cir. 1987) 17 ("District courts are, of course, bound by the law of their own circuit.").

Both opinions are relevant to the determination of the applicable standard of constitutional scrutiny in this case and to the proper application of that standard—in particular the analysis appearing at pages *12 through *17 in *Duncan v. Becerra* and the analysis appearing at pages *5 through *10 in *County of Butler v. Wolf*.

Plaintiffs therefore respectfully submit these opinions for this Court's judicial notice as being relevant to the Court's adjudication of the Motion to Dismiss.Dated: September 17, 2020

<u>/s/ Raymond DiGuiseppe</u> Raymond DiGuiseppe Attorneys for Plaintiffs