

1 PAUL B. BEACH, State Bar No. 166265
pbeach@lbaclaw.com
2 JIN S. CHOI, State Bar No. 180270
jchoi@lbaclaw.com
3 LAWRENCE BEACH ALLEN & CHOI, PC
100 West Broadway, Suite 1200
4 Glendale, California 91210-1219
Telephone No. (818) 545-1925
5 Facsimile No. (818) 545-1937

6 Attorneys for Defendants
County of Los Angeles, Sheriff Alex Villanueva, and Barbara Ferrer
7

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

<p>11 ADAM BRANDY, an individual; et al.,</p> <p>12 13 Plaintiffs,</p> <p>14 vs.</p> <p>15 ALEX VILLANUEVA, in his official capacity as Sheriff of Los Angeles County, California, and in 16 his capacity as the Director of Emergency Operations; et al.,</p> <p>17 18 Defendants.</p>	<p>Case No. 2:20-cv-02874-AB-SK</p> <p>Honorable André Birotte, Jr.</p> <p>DEFENDANTS COUNTY OF LOS ANGELES, SHERIFF ALEX VILLANUEVA AND BARBARA FERRER’S SUPPLEMENTAL REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF THEIR MOTION FOR JUDGMENT ON THE PLEADINGS; EXHIBIT IN SUPPORT THEREOF</p> <p><i>[Defendants’ Reply to Opposition to Motion and Motion for Judgment on the Pleadings filed concurrently herewith]</i></p> <p>Date: October 2, 2020 Time: 10:00 a.m. Crtm.: First Street, 7B</p>
---	---

26
27 TO THE HONORABLE COURT AND TO ALL INTERESTED PARTIES
28 AND THEIR ATTORNEYS OF RECORD:

1 In support of their Reply to Plaintiffs’ Opposition to Defendants’ Motion for
2 Judgment on the Pleadings, Defendants County of Los Angeles, Sheriff Alex
3 Villanueva and Barbara Ferrer hereby respectfully request that the Court take
4 judicial notice of the document listed below, a true and correct copy of which is
5 attached hereto as Exhibit 11.

6 Under Rule 201 of the Federal Rules of Evidence, the Court may take
7 judicial notice of any matter “not subject to reasonable dispute in that it is either
8 (1) generally known within the territorial jurisdiction of the trial court or (2)
9 capable of accurate and ready determination by resort to sources who accuracy
10 cannot reasonably be questioned.” Fed. R. Evid. 201(b).

11 Judicial notice of information published on government websites, such as
12 COVID-19 related information published on publicly available web pages of the
13 websites of the Centers for Disease Control and the County of Los Angeles is
14 proper under FRCP Rule 201. *See Uribe v. Perez*, 2020 WL 131858, at *4 (C.D.
15 Cal. Mar. 3, 2020), *report and recommendation adopted* (C.D. Cal. Mar. 20,
16 2020) 2020 WL 1317727 (granting the request for judicial notice of three publicly
17 available Centers for Disease Control web pages identifying “‘key facts’,
18 according to the CDC, about who may contract norovirus, the number infected
19 each year, how norovirus spreads, tips for prevention, and treatment of
20 norovirus.”); *McGhee v. City of Flagstaff*, 2020 WL 2309881, at *2-4 (D. Ariz.,
21 May 8, 2020) (taking judicial notice of COVID-19 related guidance published by
22 the CDC, available on government websites, including information “on the
23 manner and speed at which the virus is spreading”); *Glenn v. B & R Plastics, Inc.*,
24 326 F.Supp.3d 1044, 1068 (D. Idaho, July 16, 2018) (“it is proper to
25 take judicial notice of information from a federal agency, such as the CDC, under
26 [FRCP] Rule 201 ... as facts from a governmental agency that are not subject to
27 reasonable dispute”); *Gent v. CUNA Mut. Ins. Soc’y*, 611 F.3d 79, 84 n.5 (1st Cir.
28 2010) (taking judicial notice of records on the CDC’s website).

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

Exhibit No.	Description of Document/Record/Website
11	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 September 4, 2020 published at http://publichealth.lacounty.gov/media/coronavirus/

Dated: September 18, 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