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13 UNITED STATES DISTRICT COURT

14 NORTHERN DISTRICT OF CALIFORNIA

15 SAN JOSE DIVISION

17 NATIONAL ASSOCIATION FOR GUN
18 RIGHTS, INC., a nonprofit corporation,
and MARK SIKES, an individual,

19 Plaintiffs,

20 v.

21 CITY OF SAN JOSE, a public entity,
22 JENNIFER MAGUIRE, in her official
23 capacity as City Manager of the City of San
24 Jose, and the CITY OF SAN JOSE CITY
25 COUNCIL,

26 Defendants.

Case Number: 5:22-cv-00501-BLF

27 **PLAINTIFFS' REQUEST FOR JUDICIAL
NOTICE IN SUPPORT OF PLAINTIFFS'
MOTION FOR PRELIMINARY INJUNCTION
AND MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT THEREOF**

Hearing Date: July 21, 2022

Hearing Time: 9:00 a.m.

Location: Courtroom 3, 5th Floor

Robert F. Peckham Federal Building

280 South First Street, San Jose, CA

Judge: Honorable Beth Labson Freeman

1 Pursuant to Federal Rules of Evidence Rule 201 and the inherent authority of this Court,
2 Plaintiff National Association for Gun Rights, Inc. (“NAGR”) and Mark Sikes (“Sikes”) (collectively,
3 “Plaintiffs”) respectfully request that the Court take judicial notice of the documents attached hereto as
4 Exhibits A, C-H.

5 **MEMORANDUM OF POINTS AND AUTHORITIES**

6 The Federal Rules of Evidence mandate that judicial notice be taken where “a party requests it
7 and the court is supplied with the necessary information,” Fed. R. Evid. 201(c)(2), and authorizes
8 judicial notice “at any stage of the proceeding.” Fed. R. Evid. 201(d). Moreover, “[t]he court may
9 judicially notice a fact that is not subject to reasonable dispute because it: (1) is generally known
10 within the trial court’s territorial jurisdiction; or (2) can be accurately and readily determined from
11 sources whose accuracy cannot reasonably be questioned.” Fed. R. Evid. 201(b). Here, the facts at
12 issue “can be accurately and readily determined from sources whose accuracy cannot reasonably be
13 questioned,” as those facts are ascertainable from the City of San Jose’s public website and
14 newspapers. Both sources are self-authenticating. Fed. R. Evid. 902(5)-(6). Courts may take judicial
15 notice of information contained on government websites, see Hansen Beverage Co. v. Innovation
16 Ventures, LLC, No. 08–CV–1166–IEG, 2009 WL 6597891, *2 (S.D. Cal. Dec. 23, 2009) and in news
17 articles, see Heliotrope Gen. Inc. v. Ford Motor Co., 189 F.3d 971, 981 n. 118 (9th Cir. 1999).

18 Plaintiffs respectfully request that this Court take judicial notice of the following:

19 Exhibit A: A copy of this record of the City of San Jose is accessible from the City of San
20 Jose’s website located at
21 [https://sanjose.legistar.com/View.ashx?M=F&ID=10408108&GUID=91CACF4B-4C72-4DCE-9E36-](https://sanjose.legistar.com/View.ashx?M=F&ID=10408108&GUID=91CACF4B-4C72-4DCE-9E36-CA477348B4C1)
22 [CA477348B4C1](https://sanjose.legistar.com/View.ashx?M=F&ID=10408108&GUID=91CACF4B-4C72-4DCE-9E36-CA477348B4C1). This document is relevant because it provides background information of the
23 Ordinance.

24 Exhibit C: A copy of this newspaper article that appeared in the Los Angeles Times on
25 January 19, 2022, can be located at [https://www.latimes.com/opinion/story/2022-01-19/op-ed-new-](https://www.latimes.com/opinion/story/2022-01-19/op-ed-new-gun-control-laws-help-congress)
26 [gun-control-laws-help-congress](https://www.latimes.com/opinion/story/2022-01-19/op-ed-new-gun-control-laws-help-congress). It is relevant because it provides background information about the
27 Ordinance.

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1 Exhibit D: A copy of this record of the City of San Jose is accessible from the City of San
2 Jose's website located at
3 [https://sanjose.legistar.com/View.ashx?M=F&ID=10421783&GUID=133AE89A-69E1-45E9-BE91-](https://sanjose.legistar.com/View.ashx?M=F&ID=10421783&GUID=133AE89A-69E1-45E9-BE91-145F9DD29089)
4 [145F9DD29089](https://sanjose.legistar.com/View.ashx?M=F&ID=10421783&GUID=133AE89A-69E1-45E9-BE91-145F9DD29089). This document is relevant because it provides background information of the
5 Ordinance.

6 Exhibit E: A copy of this record of the City of San Jose is accessible from the City of San
7 Jose's website located at <https://www.sanjoseca.gov/Home/Components/News/News/3707/4959>. This
8 document is relevant because it provides background information of the Ordinance.

9 Exhibit F: A copy of this newspaper article that appeared in the San Francisco Chronicle on
10 January 25, 2022, as updated on January 26, 2022, can be located at
11 [https://www.sfchronicle.com/bayarea/article/Gun-owners-in-San-Jose-must-buy-liability-](https://www.sfchronicle.com/bayarea/article/Gun-owners-in-San-Jose-must-buy-liability-16804951.php)
12 [16804951.php](https://www.sfchronicle.com/bayarea/article/Gun-owners-in-San-Jose-must-buy-liability-16804951.php). This newspaper article is relevant because it provides the public perception of the
13 Ordinance when it passed on January 25, 2022.

14 Exhibit G: A copy of this newspaper article that appeared in the Los Angeles Times on
15 January 25, 2022, can be located at [https://www.latimes.com/california/story/2022-01-25/san-jose-](https://www.latimes.com/california/story/2022-01-25/san-jose-gun-liability-insurance)
16 [gun-liability-insurance](https://www.latimes.com/california/story/2022-01-25/san-jose-gun-liability-insurance). This newspaper article is relevant because it provides the public perception of
17 the Ordinance when it passed on January 25, 2022.

18 Exhibit H: A copy of this record of the City of San Jose is accessible from the City of San
19 Jose's website located at <https://records.sanjoseca.gov/Ordinances/ORD30716.pdf>.
20 This document is relevant because it is a final copy of the Ordinance being challenged in this matter.

21 Exhibit I: A copy of this record of the City of San Jose is accessible from the City of San
22 Jose's website located at
23 [https://sanjose.legistar.com/View.ashx?M=F&ID=10413284&GUID=89193E7F-B8CF-4BA5-B995-](https://sanjose.legistar.com/View.ashx?M=F&ID=10413284&GUID=89193E7F-B8CF-4BA5-B995-8D155A223F64)
24 [8D155A223F64](https://sanjose.legistar.com/View.ashx?M=F&ID=10413284&GUID=89193E7F-B8CF-4BA5-B995-8D155A223F64). This document is relevant because it provides the source of statistics cited by the
25 City.

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1 Exhibit J: A copy of this periodical that appeared on Slate.com on February 3, 2022, can be
2 located at [https://slate.com/news-and-politics/2022/02/san-jose-gun-law-mayor-sam-liccardo-](https://slate.com/news-and-politics/2022/02/san-jose-gun-law-mayor-sam-liccardo-interview.html)
3 [interview.html](https://slate.com/news-and-politics/2022/02/san-jose-gun-law-mayor-sam-liccardo-interview.html). This periodical is relevant because it information about the history and future of the
4 Ordinance at issue.

5 Pursuant to these rules, Plaintiffs hereby request that this Court take judicial notice of the
6 documents attached hereto as Exhibits A, C-J and the contents thereof, in connection with Plaintiffs'
7 Motion for Preliminary Injunction and Memorandum of Points and Authorities in Support Thereof.
8

9 Date: March 8, 2022

DHILLON LAW GROUP INC.

10
11 By: /s/ Harmeet K. Dhillon

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