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 8 IN THE UNITED STATES DISTRICT COURT
 9 FOR THE EASTERN DISTRICT OF CALIFORNIA
 10 SACRAMENTO DIVISION

11
 12 **WILLIAM WIESE, et al.,**

2:17-cv-00903-WBS-KJN

13 Plaintiffs,

14 v.

**DEFENDANTS' REQUEST FOR
 JUDICIAL NOTICE IN SUPPORT OF
 MOTION TO DISMISS THIRD
 AMENDED COMPLAINT**

15
 16 **XAVIER BECERRA, et al.,**

17 Defendants.

Date: February 19, 2019
 Time: 1:30 p.m.
 Courtroom: 5, 14th Floor
 Judge: Hon. William B. Shubb
 Trial Date: None Set
 Action Filed: April 28, 2017

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REQUEST FOR JUDICIAL NOTICE

Defendants Attorney General Xavier Becerra and Bureau of Firearms Director Martin Horan¹ (Defendants) respectfully request that this Court take judicial notice, pursuant to Federal Rule of Evidence 201, of the following materials: (1) Senate Bill 1446, Cal. Stats. 2016, ch. 58; (2) California Ballot Pamphlet (Firearms. Ammunition Sales. Initiative Statute. California Proposition 63 (2016)); and (3) Cal. Secretary of State, Supplement to the Statement of Vote, Statewide Summary by County for Ballot Measures (Nov. 8, 2016).

Federal Rule of Evidence 201(b) provides that “[t]he court may judicially notice a fact that is not subject to reasonable dispute because it: (1) is generally known within the trial court’s territorial jurisdiction; or (2) can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.” Fed. R. Evid. 201(b). The Court may take judicial notice of the legislative history of a statute. *See Anderson v. Holder*, 673 F.3d 1089, 1094 n.1 (9th Cir. 2012) (taking notice of excerpts of a Senate Report). It is also appropriate for the Court to take judicial notice of court filings in the same case and “other matters of public record.” *Reyna v. Pasta Bella, LLC v. Visa USA, Inc.*, 442 F.3d 741, 746 n.6 (9th Cir. 1996); *see also Lee v. City of Los Angeles*, 250 F.3d 668, 688 (9th Cir. 2001). The Court may also take judicial notice of election results. *See Badillo v. City of Stockton*, 956 F.2d 884, 887 n.1 (9th Cir.), *as amended* (9th Cir. 1992). Sufficient notice of matters subject to judicial notice is provided by lodging a copy of the relevant documents and records with the Court. Accordingly, Defendants respectfully request that this Court take judicial notice of the exhibits to the accompanying declaration of counsel.

¹ Pursuant to Federal Rule of Civil Procedure 25(d), Bureau of Firearms Director Martin Horan, in his official capacity, is substituted for Chief Stephen Lindley, who had been previously substituted for Acting Chief Martha Supenor.

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Dated: January 18, 2019

Respectfully Submitted,

XAVIER BECERRA
Attorney General of California
MARK R. BECKINGTON
Supervising Deputy Attorney General

/s/ John D. Echeverria
JOHN D. ECHEVERRIA
Deputy Attorney General
Attorneys for Defendants
AG/CDAG-Legal Services (Government
Law Only)

DECLARATION OF JOHN D. ECHEVERRIA

I, John D. Echeverria, declare as follows:

1. I am a Deputy Attorney General at the California Department of Justice and serve as counsel to Defendants Attorney General Xavier Becerra and Bureau of Firearms Director Martin Horan in the above-captioned matter. I have personal knowledge of the facts set forth in this declaration, and if sworn as a witness, I could testify competently as to those facts.

2. Attached hereto as **Exhibit 1** is a true and correct copy of Senate Bill 1446, Cal. Stats. 2016, ch. 58.

3. Attached hereto as **Exhibit 2** is a true and correct copy of California Ballot Pamphlet (Firearms. Ammunition Sales. Initiative Statute. California Proposition 63 (2016)).

4. Attached hereto as **Exhibit 3** is a true and correct copy of the California Secretary of State's Supplement to the Statement of Vote, Statewide Summary by County for Ballot Measures (Nov. 8, 2016). The Supplement to the Statement of Vote is also available at <https://elections.cdn.sos.ca.gov/sov/2016-general/ssov/ballot-measures-summary-by-county.pdf>.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 18th day of January 2019 at Los Angeles, California.

/s/ John D. Echeverria

JOHN D. ECHEVERRIA