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6 POLICE CARL POVILAITIS; and GLENDALE  
CITY CLERK SUZIE ABAJIAN  
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8 **UNITED STATES DISTRICT COURT**  
9 **CENTRAL DISTRICT OF CALIFORNIA**

10  
11 CALIFORNIA RIFLE & PISTOL )  
ASSOCIATION, INCORPORATED; )  
12 SECOND AMENDMENT )  
FOUNDATION; GUN OWNERS OF )  
13 CALIFORNIA, INC., )

14 Plaintiffs, )

15 vs. )

16 CITY OF GLENDALE; GLENDALE )  
CHIEF OF POLICE CARL )  
17 POVILAITIS, in his official capacity; )  
GLENDALE CITY CLERK SUZIE )  
18 ABAJIAN, in her official capacity; and )  
DOES 1-10, )

19 Defendants. )  
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Case No.: 2:22-cv-07346-SB-JC

**DEFENDANTS' OBJECTIONS TO  
PLAINTIFFS' REQUESTS FOR  
JUDICIAL NOTICE**

Date: December 2, 2022

Time: 8:30 a.m.

Courtroom: 6C

Judge: Hon. Stanley Blumenfeld Jr.

1 Defendants City of Glendale, Glendale Chief of Police Carl Povilaitis and  
2 Glendale City Clerk Suzie Abajian (collectively “Defendants”) hereby objects to  
3 Plaintiffs California Rifle & Pistol Association, Incorporated, Second Amendment  
4 Foundation and Gun Owners of California, Inc.’s (collectively “Plaintiffs”) Requests for  
5 Judicial Notices submitted in support of Plaintiffs’ Motion for Preliminary Injunction for  
6 the following reasons.

7 Judicial notice is only appropriate of facts that are “not subject to reasonable  
8 dispute” -- *i.e.*, facts that are “generally known” or that “can be accurately and readily  
9 determined from sources whose accuracy cannot reasonably be questioned.” (Fed. R.  
10 Evid. 201(b)(1)-(2).) “A high degree of indisputability is the essential prerequisite.”  
11 (Advisory Committee Notes, Fed. R. Evid. 201.) Moreover, judicial notice may be had  
12 only of facts, not complex inferences to be drawn from the facts such as Plaintiffs seek  
13 here. (*See Darensburg v. Metro. Transp. Com'n*, 2006 WL 167657, at \*2 (N.D. Cal. Jan.  
14 20, 2006).)

15 Here, Plaintiff's Request for judicial notice of 5 documents reflects a fundamental  
16 misapplication of the rules governing judicially noticeable facts. Rule 201 of the Federal  
17 Rules of Evidence permits judicial notice of “a fact that is not subject to reasonable  
18 dispute.” (Fed. R. Evid. 201(b).) There are but two sources of indisputable facts subject  
19 to judicial notice under Rule 201: those that are “generally known within the trial court's  
20 territorial jurisdiction” and those that “can be accurately and readily determined from  
21 sources whose accuracy cannot reasonably be questioned.” (Fed. R. Evid. 201(b)(1)-(2).)  
22 None of the documents Plaintiffs seek judicial notice of satisfies either of those criteria.

23 Plaintiffs’ Request identifies only *documents* of which they seek judicial notice,  
24 not *facts* or even facts within documents, and their request should be denied on that basis  
25 alone. But even if Plaintiffs’ failure to specify facts is excused, the way Plaintiffs seek to  
26 use the documents in their Motion for Preliminary Injunction demonstrates that it is for  
27 an improper purpose. Plaintiffs seek to draw disputed inferences from the first four  
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1 documents in an effort to support their arguments that licensed gun holders in Texas,  
2 Florida and Minnesota, and somehow extrapolating those three states to the rest of the 50,  
3 are less at risk to engage in gun violence. And with respect to the fifth document, a  
4 political opposition letter from the California State Sheriff's association, there are **no**  
5 facts to be gleaned from that document, only opinion, conjecture and speculation.

6 Judicial notice is reserved for facts that are indisputable. Plaintiffs' arguments  
7 derived from numbers that can potentially be argued are not properly judicially noticed.  
8 Indeed, Defendants have submitted a number of documents contesting the purported  
9 "facts" that Plaintiffs would have the Court take notice. (See Defendants Request for  
10 Judicial Notice, Exs. 26-37.) Accordingly, Plaintiffs' request for judicial notice is  
11 improper and should be denied. (See Fed. R. Evid. 201(b); *Hsu v. Puma Biotechnology,*  
12 *Inc.*, 2016 WL 5859000 (C.D. Cal. Sept. 30, 2016) ("Judicial notice is an explicitly  
13 limited doctrine that's supposed to be used to allow a court to consider a fact that is not  
14 subject to reasonable dispute." (internal quotations omitted)).

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17 DATED: November 3, 2022

MICHAEL J. GARCIA, CITY ATTORNEY

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19 By: 

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21 Attorneys for Defendants  
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