

1 ROB BONTA
 Attorney General of California
 2 MARK R. BECKINGTON
 Supervising Deputy Attorney General
 3 CHRISTINA R.B. LOPEZ
 Deputy Attorney General
 4 CAROLYN DOWNS
 Deputy Attorney General
 5 TODD GRABARSKY
 Deputy Attorney General
 6 State Bar No. 286999
 300 South Spring Street, Suite 1702
 7 Los Angeles, CA 90013-1230
 Telephone: (213) 269-6044
 8 Fax: (916) 731-2124
 E-mail: Todd.Grabarsky@doj.ca.gov
 9 *Attorneys for Governor Gavin Newsom and*
Attorney General Rob Bonta in their official
 10 *capacities*

11 IN THE UNITED STATES DISTRICT COURT
 12 FOR THE CENTRAL DISTRICT OF CALIFORNIA

15 **ADAM RICHARDS, et al.,**
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 Plaintiffs,
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 v.
 18 **GAVIN NEWSOM, in his official**
 19 **capacity as Governor of California, et**
 20 **al.,**
 Defendants.

Case No.: 8:23-cv-02413 JVS (KESx)

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

Date: June 17, 2024
 Time: 1:30 p.m.
 Courtroom: 10C
 Judge: The Honorable James V.
 Selna
 Action Filed: 12/19/2023

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1 Pursuant to Federal Rule of Evidence 201, Defendants respectfully request
2 that the Court take judicial notice of various materials that support Defendants’
3 Motion to Dismiss. Defendants respectfully request that this Court take judicial
4 notice of Exhibits 1-38 attached to the Declaration of Deputy Attorney General
5 Todd Grabarsky, filed concurrently. Defendants also respectfully request that the
6 Court take judicial notice of the historical laws provided and cited in the secondary
7 source provided in Exhibit 39 of the aforementioned declaration.

8 Federal Rule of Evidence 201(b) provides that a judicially noticed fact must be
9 one “not subject to reasonable dispute” because it is either (1) generally known
10 within the territorial jurisdiction of the trial court or (2) capable of accurate and
11 ready determination by resort to sources whose accuracy cannot readily be
12 questioned. The Court should take judicial notice of the aforementioned exhibits
13 which are official laws, government documents, and hearing records. “[A] court
14 may take judicial notice of ‘matters of public record.’” *Lee v. City of Los Angeles*,
15 250 F.3d 668, 689 (9th Cir. 2001) (citing *Mack v. South Bay Beer Distrib.*, 798 F.2d
16 1279, 1282 (9th Cir. 1986)). Government documents that are public records are
17 appropriate subjects for judicial notice. *See, e.g., Cachil Dehe Band of Wintun*
18 *Indians of the Colusa Indian Cmty. v. California*, 547 F.3d 962, 968 n.4 (9th Cir.
19 2008) (government documents on government website); *Daniels-Hall v. Nat’l*
20 *Educ. Ass’n*, 629 F.3d 992, 998-99 (9th Cir. 2010) (same); *Greeson v. Imperial Irr.*
21 *Dist.*, 59 F.2d 529, 531 (9th Cir. 1932) (“[T]he court is bound to take notice of
22 public facts . . . [and] public documents . . .”).

23 Judicial notice of above referenced matter is also consistent with California
24 law. The aforementioned documents are properly subject to judicial notice under
25 California Evidence Code sections 451, subdivision (b), and 452, subdivisions (c)
26 (official acts of executive departments), and under California Evidence Code
27 section 452, subdivision (h) (facts and propositions not reasonably subject to
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1 dispute and capable of immediate and accurate determination by resort to sources of
2 reasonably indisputable accuracy).

3 In sum, because the Court's consideration of this undisputed material in
4 deciding whether to grant Defendants' Motion to Dismiss is appropriate, the Court
5 should grant Defendants' request for judicial notice.

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7 Dated: April 18, 2024

Respectfully submitted,

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ROB BONTA
Attorney General of California
MARK BECKINGTON
Supervising Deputy Attorney General
CHRISTINA R.B. LOPEZ
Deputy Attorney General
CAROLYN DOWNS
Deputy Attorney General

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/s/ Todd Grabarsky
TODD GRABARSKY
Deputy Attorney General
*Attorneys for California Governor
Gavin Newsom and Attorney General
Rob Bonta in their official capacities*

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CERTIFICATE OF COMPLIANCE

The undersigned, counsel of record for Defendants Governor Gavin Newsom and Attorney General Rob Bonta, in their official capacities, certifies that this brief contains 372 words, which complies with the word limit of L.R. 11-6.1.

Dated: April 18, 2024

Respectfully submitted,

ROB BONTA
Attorney General of California
MARK BECKINGTON
Supervising Deputy Attorney General
CHRISTINA R.B. LOPEZ
Deputy Attorney General
CAROLYN DOWNS
Deputy Attorney General

/s/ Todd Grabarsky
TODD GRABARSKY
Deputy Attorney General
*Attorneys for California Governor
Gavin Newsom and Attorney General
Rob Bonta in their official capacities*