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 through Attorney General Xavier Becerra*

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

15 **STATE OF CALIFORNIA by and through**
 16 **Attorney General Xavier Becerra;**
 17 **COUNTY OF LOS ANGELES; CITY OF**
 18 **LOS ANGELES; CITY OF FREMONT;**
CITY OF LONG BEACH; CITY OF
OAKLAND; CITY OF STOCKTON,

19 Plaintiffs,

20 v.

21 **WILBUR L. ROSS, JR., in his official**
 22 **capacity as Secretary of the U.S.**
Department of Commerce; U.S.
 23 **DEPARTMENT OF COMMERCE; RON**
 24 **JARMIN, in his official capacity as Acting**
Director of the U.S. Census Bureau; U.S.
 25 **CENSUS BUREAU; DOES 1-100,**

26 Defendants.

3:18-cv-01865

**REQUEST FOR JUDICIAL NOTICE IN
 SUPPORT OF PLAINTIFFS’
 OPPOSITION TO DEFENDANTS’
 MOTION FOR SUMMARY JUDGMENT**

Date: December 7, 2018
 Time: 10:00 a.m.
 Dept: 3
 Judge: The Honorable Richard G.
 Seeborg
 Trial Date: January 7, 2019
 Action Filed: March 26, 2018

1 **INTRODUCTION**

2 Plaintiffs respectfully request this Court take judicial notice of the certain facts and
3 documents cited in Plaintiffs’ Opposition to Motion for Summary Judgment, in accordance with
4 Rule 201 of the Federal Rules of Evidence.

5 **MATTERS TO BE JUDICIALLY NOTICED**

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

7 1. In November of 2018, the State of California allocated \$9,393,090 to the County of
8 Los Angeles for community outreach related to the 2020 Census.

9 **Grounds for judicial notice:** This fact can be accurately and readily determined from
10 sources whose accuracy cannot reasonably be questioned. Fed. R. Evid. 201(b)(2); *see also Lee*
11 *v. City of Los Angeles*, 250 F.3d 668, 688 (9th Cir. 2001) (a court may take notice of facts and
12 documents that are “not subject to reasonable dispute.”).

13 **Sources of fact:** California Complete Court – Census 2020, *Funding*,
14 <https://census.ca.gov/2018/11/09/funding/>; California Complete Court – Census 2020, *County*
15 *Contract Amounts*; [https://census.ca.gov/wp-content/uploads/sites/4/2018/11/County-Contract-](https://census.ca.gov/wp-content/uploads/sites/4/2018/11/County-Contract-Amounts.pdf)
16 *Amounts.pdf*; see also Exhibit B to Declaration of Douglas S. Baron.

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

20 2. STATE OF CALIFORNIA LEGISLATIVE ANALYST’S OFFICE, THE 2018-2019 BUDGET,
21 CENSUS OUTREACH (Mar. 8, 2018), available at <https://lao.ca.gov/Publications/Report/3780>. A
22 true and correct copy with added Bates labels is attached hereto as Exhibit A.

23 **Grounds for judicial notice:** This document can be accurately and readily determined
24 from sources whose accuracy cannot reasonably be questioned. Fed. R. Evid. 201(b)(2); *see also*
25 *Lee*, 250 F.3d at 688. The Court may take notice of the legislative history of a statute. *See*
26 *Anderson v. Holder*, 673 F.3d 1089, 1094 n.1 (9th Cir. 2012) (taking notice of excerpts of a
27 Senate Report); *Daghlian v. DeVry Univ., Inc.*, 574 F.3d 1212, 1213 (9th Cir. 2009) (taking
28 notice of legislative history of a Senate bill).

1 3. CALIFORNIA STATE BUDGET 2018-19, ENACTED BUDGET SUMMARY, available at
2 <http://www.ebudget.ca.gov/2018-19/pdf/Enacted/BudgetSummary/FullBudgetSummary.pdf>. A
3 true and correct copy with added Bates labels is attached hereto as Exhibit B.

4 **Grounds for judicial notice:** This document can be accurately and readily determined
5 from sources whose accuracy cannot reasonably be questioned. Fed. R. Evid. 201(b)(2); *see also*
6 *Lee*, 250 F.3d at 688. Judicial notice may be taken of legislative enactments and regulations
7 issued by any public entity in the United States. *See Daghlian*, 574 F3d at 1213, fn. 1; *Demos v.*
8 *City of Indianapolis*, 302 F3d 698, 706 (7th Cir. 2002) (a district court can judicially notice public
9 statutes); *Klay v. Panetta*, 758 F3d 369, 377 (DC Cir. 2014) (J. Griffith concur.opn.) (recognizing
10 court may take judicial notice of statutes).

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12 4. CALIFORNIA STATE BUDGET 2018-19, ENACTED BUDGET DETAIL, 0511 GOVERNMENT
13 OPERATIONS, SECRETARY, available at [http://www.ebudget.ca.gov/budget/2018-](http://www.ebudget.ca.gov/budget/2018-19EN/#/Department/0511)
14 [19EN/#/Department/0511](http://www.ebudget.ca.gov/budget/2018-19EN/#/Department/0511). A true and correct copy with added Bates labels is attached hereto as
15 Exhibit C.

16 **Grounds for judicial notice:** This document can be accurately and readily determined
17 from sources whose accuracy cannot reasonably be questioned. Fed. R. Evid. 201(b)(2); *see also*
18 *Lee*, 250 F.3d at 688. Judicial notice may be taken of legislative enactments and regulations
19 issued by any public entity in the United States. *See Daghlian*, 574 F3d at 1213, fn. 1; *Demos*,
20 302 F3d at 706; *Klay*, 758 F3d at 377.

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22 5. STATE OF CALIFORNIA LEGISLATIVE ANALYST'S OFFICE, THE 2018-2019 BUDGET:
23 CALIFORNIA SPENDING PLAN, (OCT. 2, 2018), available at
24 <https://lao.ca.gov/reports/2018/3870/spending-plan-2018.pdf>. A true and correct copy with added
25 Bates labels is attached hereto as Exhibit D.

26 **Grounds for judicial notice:** This document can be accurately and readily determined
27 from sources whose accuracy cannot reasonably be questioned. Fed. R. Evid. 201(b)(2); *see also*
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1 *Lee*, 250 F.3d at 688. The Court may take notice of the legislative history of a statute. *See*
2 *Anderson*, 673 F.3d at 1094 n.1; *Daghlian*, 574 F3d at 1213, fn. 1.

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4 6. CALIFORNIA COMPLETE COUNT CENSUS 2020, PROGRESS REPORT ON THE CENSUS
5 INFRASTRUCTURE, A REPORT TO THE JOINT LEGISLATIVE BUDGET COMMITTEE, THE ASSEMBLY
6 SELECT COMMITTEE ON THE CENSUS, AND THE SENATE SELECT COMMITTEE ON THE 2020 UNITED
7 STATES CENSUS (Oct. 1, 2018), available at [https://census.ca.gov/wp-](https://census.ca.gov/wp-content/uploads/sites/4/2018/10/Leg-Report-FINAL-100118-errata.pdf)
8 [content/uploads/sites/4/2018/10/Leg-Report-FINAL-100118-errata.pdf](https://census.ca.gov/wp-content/uploads/sites/4/2018/10/Leg-Report-FINAL-100118-errata.pdf). A true and correct copy
9 with added Bates labels is attached hereto as Exhibit E.

10 **Grounds for judicial notice:**

11 This document can be accurately and readily determined from sources whose accuracy
12 cannot reasonably be questioned. Fed. R. Evid. 201(b)(2); *see also Lee*, 250 F.3d at 688. This
13 Court may take judicial notice of public records. *See Jones v. Markiewicz-Qualkinbush*, 842 F3d
14 1053, 1062, fn. 24 (7th Cir. 2016) (judicial notice taken of city council minutes); *Buffets, Inc. v.*
15 *Leischow*, 732 F3d 889, 897 (8th Cir. 2013) (appellate court can take judicial notice based on
16 records of Office of Comptroller that U.S. Bank's main office is in Ohio).

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18 7. CENSUS 2020 CALIFORNIA COMPLETE COUNTY COMMITTEE AND THE CALIFORNIA
19 GOVERNMENT OPERATIONS AGENCY, INITIAL REPORT TO THE OFFICE OF GOVERNOR EDMUND G.
20 BROWN JR., COUNTING ALL CALIFORNIANS IN THE 2020 CENSUS, available at
21 [https://census.ca.gov/wp-](https://census.ca.gov/wp-content/uploads/sites/4/2018/10/CCCC_Initial_Report_to_the_Governor-FINAL100218.pdf)
22 [content/uploads/sites/4/2018/10/CCCC_Initial_Report_to_the_Governor-FINAL100218.pdf](https://census.ca.gov/wp-content/uploads/sites/4/2018/10/CCCC_Initial_Report_to_the_Governor-FINAL100218.pdf). A
23 true and correct copy with added Bates labels is attached hereto as Exhibit F.

24 **Grounds for judicial notice:**

25 This document can be accurately and readily determined from sources whose accuracy
26 cannot reasonably be questioned. Fed. R. Evid. 201(b)(2); *see also Lee*, 250 F.3d at 688. This
27 Court may take judicial notice of public records. *See Jones*, 842 F3d at 1062, fn. 24; *Buffets*, 732
28 F3d at 897.

1 8. SENATE BUDGET AND FISCAL REVIEW SUBCOMMITTEE NO. 4 PART A HEARING, 2017-
2 2018 Leg. Sess. (Mar. 15, 2018) (Agenda), available at
3 [https://sbud.senate.ca.gov/sites/sbud.senate.ca.gov/files/SUB4/03152018Sub4PartAHousingAgen](https://sbud.senate.ca.gov/sites/sbud.senate.ca.gov/files/SUB4/03152018Sub4PartAHousingAgenda.pdf)
4 [da.pdf](https://sbud.senate.ca.gov/sites/sbud.senate.ca.gov/files/SUB4/03152018Sub4PartAHousingAgenda.pdf). A true and correct copy with added Bates labels is attached hereto as Exhibit G.

5 **Grounds for judicial notice:** This document can be accurately and readily determined
6 from sources whose accuracy cannot reasonably be questioned. Fed. R. Evid. 201(b)(2); *see also*
7 *Lee*, 250 F.3d at 688. The Court may take notice of the legislative history of a statute. *See*
8 *Anderson*, 673 F.3d at 1094 n.1; *Daghlian*, 574 F3d at 1213, fn. 1.

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10 9. ASSEMBLY BUDGET SUBCOMMITTEE NO. 4 STATE ADMINISTRATION HEARING, 2017-
11 2018 Leg. Sess. (Apr. 24, 2018) (Agenda), available at
12 [https://abgt.assembly.ca.gov/sites/abgt.assembly.ca.gov/files/Sub_4_April_24_2018%20\(2\).pdf](https://abgt.assembly.ca.gov/sites/abgt.assembly.ca.gov/files/Sub_4_April_24_2018%20(2).pdf).
13 A true and correct copy with added Bates labels is attached hereto as Exhibit H.

14 **Grounds for judicial notice:** This document can be accurately and readily determined
15 from sources whose accuracy cannot reasonably be questioned. Fed. R. Evid. 201(b)(2); *see also*
16 *Lee*, 250 F.3d at 688. The Court may take notice of the legislative history of a statute. *See*
17 *Anderson*, 673 F.3d at 1094 n.1; *Daghlian*, 574 F3d at 1213, fn. 1.

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19 10. SENATE COMMITTEE ON BUDGET AND FISCAL REVIEW HEARING, 2017-2018 Leg.
20 Sess. (May 22, 2018) (Agenda), available at
21 [https://sbud.senate.ca.gov/sites/sbud.senate.ca.gov/files/FullC/05222018SBFRHearingAgendaOv](https://sbud.senate.ca.gov/sites/sbud.senate.ca.gov/files/FullC/05222018SBFRHearingAgendaOverviewof2018BudgetPlan.pdf)
22 [erviewof2018BudgetPlan.pdf](https://sbud.senate.ca.gov/sites/sbud.senate.ca.gov/files/FullC/05222018SBFRHearingAgendaOverviewof2018BudgetPlan.pdf). A true and correct copy with added Bates labels is attached hereto
23 as Exhibit I.

24 **Grounds for judicial notice:** This document can be accurately and readily determined
25 from sources whose accuracy cannot reasonably be questioned. Fed. R. Evid. 201(b)(2); *see also*
26 *Lee*, 250 F.3d at 688. The Court may take notice of the legislative history of a statute. *See*
27 *Anderson*, 673 F.3d at 1094 n.1; *Daghlian*, 574 F3d at 1213, fn. 1.

1 11. ASSEMBLY BUDGET SUBCOMMITTEE NO. 4 STATE ADMINISTRATION HEARING, 2017-
2 2018 Leg. Sess. (May 24, 2018) (Agenda), available at
3 [https://abgt.assembly.ca.gov/sites/abgt.assembly.ca.gov/files/Sub%204%20May%2024%20%20%20](https://abgt.assembly.ca.gov/sites/abgt.assembly.ca.gov/files/Sub%204%20May%2024%20%20%20May%20Revise.pdf)
4 [%20May%20Revise.pdf](https://abgt.assembly.ca.gov/sites/abgt.assembly.ca.gov/files/Sub%204%20May%2024%20%20%20May%20Revise.pdf). A true and correct copy with added Bates labels is attached hereto as
5 Exhibit J.

6 **Grounds for judicial notice:** This document can be accurately and readily determined
7 from sources whose accuracy cannot reasonably be questioned. Fed. R. Evid. 201(b)(2); *see also*
8 *Lee*, 250 F.3d at 688. The Court may take notice of the legislative history of a statute. *See*
9 *Anderson*, 673 F.3d at 1094 n.1; *Daghlian*, 574 F3d at 1213, fn. 1.

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11 12. 2018-19 LEGISLATIVE BUDGET CONFERENCE COMMITTEE HEARING, (June 6, 2018)
12 (Second Pass Agenda), available at
13 [https://sbud.senate.ca.gov/sites/sbud.senate.ca.gov/files/conference/2018ConferenceAgenda2ndP](https://sbud.senate.ca.gov/sites/sbud.senate.ca.gov/files/conference/2018ConferenceAgenda2ndPass.pdf)
14 [ass.pdf](https://sbud.senate.ca.gov/sites/sbud.senate.ca.gov/files/conference/2018ConferenceAgenda2ndPass.pdf). A true and correct copy with added Bates labels is attached hereto as Exhibit K.

15 **Grounds for judicial notice:** This document can be accurately and readily determined
16 from sources whose accuracy cannot reasonably be questioned. Fed. R. Evid. 201(b)(2); *see also*
17 *Lee*, 250 F.3d at 688. The Court may take notice of the legislative history of a statute. *See*
18 *Anderson*, 673 F.3d at 1094 n.1; *Daghlian*, 574 F3d at 1213, fn. 1.

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20 13. 2018-19 LEGISLATIVE BUDGET CONFERENCE COMMITTEE HEARING, (June 8, 2018)
21 (Close Out Agenda), available at
22 [https://sbud.senate.ca.gov/sites/sbud.senate.ca.gov/files/conference/k06082018FinalCCCcloseOut](https://sbud.senate.ca.gov/sites/sbud.senate.ca.gov/files/conference/k06082018FinalCCCcloseOutAgenda.pdf)
23 [Agenda.pdf](https://sbud.senate.ca.gov/sites/sbud.senate.ca.gov/files/conference/k06082018FinalCCCcloseOutAgenda.pdf). A true and correct copy with added Bates labels is attached hereto as Exhibit L.

24 **Grounds for judicial notice:** This document can be accurately and readily determined
25 from sources whose accuracy cannot reasonably be questioned. Fed. R. Evid. 201(b)(2); *see also*
26 *Lee*, 250 F.3d at 688. The Court may take notice of the legislative history of a statute. *See*
27 *Anderson*, 673 F.3d at 1094 n.1; *Daghlian*, 574 F3d at 1213, fn. 1.

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CONCLUSION

For the foregoing reasons, Plaintiffs respectfully ask the Court to grant their request and takes judicial notice of the above-listed facts and documents.

Dated: November 16, 2018

Respectfully Submitted,

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