

1 XAVIER BECERRA  
Attorney General of the State of California  
2 MONICA N. ANDERSON  
Senior Assistant Attorney General  
3 DAMON C. MCCLAIN  
ADRIANO HRVATIN  
4 Supervising Deputy Attorneys General  
NASSTARAN RUHPARWAR - 263293  
5 ELISE OWENS THORN - 145931  
TYLER V. HEATH - 271478  
6 KYLE A. LEWIS - 201041  
LUCAS HENNES - 278361  
7 Deputy Attorney General  
455 Golden Gate Avenue, Suite 11000  
8 San Francisco, CA 94102-7004  
Telephone: (415) 703-5500  
9 Facsimile: (415) 703-5843  
Email: Nasstaran.Ruhparwar@doj.ca.gov

HANSON BRIDGETT LLP  
PAUL B. MELLO - 179755  
SAMANTHA D. WOLFF - 240280  
KAYLEN KADOTANI - 294114  
425 Market Street, 26th Floor  
San Francisco, California 94105  
Telephone: (415) 777-3200  
Facsimile: (415) 541-9366  
pmello@hansonbridgett.com

10 Attorneys for Defendants  
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12 **UNITED STATES DISTRICT COURT**  
13 **EASTERN DISTRICT OF CALIFORNIA**

14 **AND THE NORTHERN DISTRICT OF CALIFORNIA**

15 **UNITED STATES DISTRICT COURT COMPOSED OF THREE JUDGES**

16 **PURSUANT TO SECTION 2284, TITLE 28 UNITED STATES CODE**

17 RALPH COLEMAN, et al.,

18 Plaintiffs,

19 v.

20 GAVIN NEWSOM, et al.,

21 Defendants.

CASE NO. 2:90-cv-00520-KJM-DB

**THREE-JUDGE COURT**

22 MARCIANO PLATA, et al.,

23 Plaintiffs,

24 v.

25 GAVIN NEWSOM, et al.,

26 Defendants.

CASE NO. C01-1351 JST

**THREE-JUDGE COURT**

**REQUEST FOR JUDICIAL NOTICE IN  
SUPPORT OF DEFENDANTS'  
OPPOSITION TO PLAINTIFFS'  
EMERGENCY MOTION TO MODIFY  
POPULATION REDUCTION ORDER**

Date: April 2, 2020

Time: 1:15 p.m.

1 TO THE COURT AND ALL PARTIES AND THEIR COUNSEL OF RECORD:

2 PLEASE TAKE NOTICE that pursuant to Federal Rule of Evidence 201, Defendants  
3 hereby request the Court take judicial notice of the following documents, true and correct copies  
4 of which are attached hereto as Exhibits:

5 **Exhibit A.** Executive Order N-33-20, issued and executed by Governor Gavin Newsom  
6 on March 19, 2020, and accessible at: [https://www.gov.ca.gov/wp-](https://www.gov.ca.gov/wp-content/uploads/2020/03/3.19.20-attested-EO-N-33-20-COVID-19-HEALTH-ORDER.pdf)  
7 [content/uploads/2020/03/3.19.20-attested-EO-N-33-20-COVID-19-HEALTH-ORDER.pdf](https://www.gov.ca.gov/wp-content/uploads/2020/03/3.19.20-attested-EO-N-33-20-COVID-19-HEALTH-ORDER.pdf)

8 **Exhibit B.** Executive Order N-36-20, issued and executed by Governor Gavin Newsom  
9 on March 24, 2020, and accessible at: [https://www.gov.ca.gov/wp-](https://www.gov.ca.gov/wp-content/uploads/2020/03/3.24.20-EO-N-36-20.pdf)  
10 [content/uploads/2020/03/3.24.20-EO-N-36-20.pdf](https://www.gov.ca.gov/wp-content/uploads/2020/03/3.24.20-EO-N-36-20.pdf)

11 Judicial notice may be taken of any “fact that is not subject to a reasonable dispute because  
12 it: . . . is generally known within the trial court's territorial jurisdiction [or] can be accurately and  
13 readily determined from sources whose accuracy cannot be reasonably questioned.” Fed. R. Evid.  
14 201(b). The court may take judicial notice of "matters of public record," *Lee v. City of Los*  
15 *Angeles*, 250 F.3d 668, 689 (9th Cir. 2001), including, for example, an executive order issued by  
16 the executive branch of government. *See, e.g., S.A. v. Trump*, 363 F.Supp.3d 1048, 1061 fn. 36  
17 (N.D. Cal. 2018) (“[t]he court can take judicial notice of the Executive Order . . . as a matter of  
18 public record”); *Natural Resources Defense Council v. McCarthy*, 2016 WL 6520170, at \*2 (N.D.  
19 Cal. Nov. 3, 2016) (district court took judicial notice of Executive Order issued by former  
20 California Governor Brown).

21 Here, the above Executive Orders issued by Governor Newsom are properly subject to  
22 judicial notice under the authority discussed above. These public records are not subject to  
23 reasonable dispute as they are generally known within our jurisdiction and can otherwise be  
24 accurately and readily determined from sources whose accuracy cannot be reasonably questioned.  
25 Fed. R. Evid. 201(b). These Orders are also relevant as they relate specifically to the State's  
26 response to the COVID-19 pandemic, which is the basis for Plaintiffs' emergency motion.

27 For these reasons, Defendants respectfully request that the Court take judicial notice of the  
28 above documents.

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DATED: March 31, 2020

HANSON BRIDGETT LLP

By: /s/ Samantha D. Wolff

PAUL B. MELLO  
SAMANTHA D. WOLFF  
KAYLEN KADOTANI  
Attorneys for Defendants

DATED: March 31, 2020

XAVIER BECERRA  
Attorney General of California

By: /s/ Damon McClain

DAMON MCCLAIN  
Supervising Deputy Attorney General  
NASSTARAN RUHPARWAR  
Deputy Attorney General  
Attorneys for Defendants