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12 COUNTY OF SANTA BARBARA

13 UNITED STATES DISTRICT COURT
14 FOR THE CENTRAL DISTRICT OF CALIFORNIA

15 COUNTY OF SANTA BARBARA,

Case No: 2:17-cv-703

16 Plaintiff,

**REQUEST FOR JUDICIAL
NOTICE IN SUPPORT OF
PLAINTIFF'S *EX PARTE*
APPLICATION FOR
TEMPORARY RESTRAINING
ORDER AND ORDER TO SHOW
CAUSE WHY PRELIMINARY
INJUNCTION SHOULD NOT
ISSUE**

17 v.

18 KEVIN HAUGRUD, in his official
19 capacity as Acting Secretary of the
20 Interior; LAWRENCE ROBERTS, in
21 his official capacity as Principal Deputy
22 Assistant Secretary – Indian Affairs;
23 AMY DUTSCHKE, in her official
24 capacity as Director, Pacific Region,
25 Bureau of Indian Affairs; THE
26 DEPARTMENT OF THE INTERIOR,
27 an agency of the United States of
28 America; THE BUREAU OF INDIAN
AFFAIRS, a division of the United
States Department of Interior; and
DOES 1 through 100,

DATE: TBD
TIME: TBD
JUDGE:
COURTROOM:

Defendants.

TO THE HONORABLE JUDGE OF THE ABOVE-ENTITLED COURT:

Plaintiff the County of Santa Barbara (the “County”) hereby requests that the Court take judicial notice of the following documents in connection with the County’s *Ex Parte* Application for Temporary Restraining Order and Order to Show Cause Why Preliminary Injunction Should Not Issue, filed concurrently herewith, pursuant to Federal Rule of Evidence 201; *Grant v. Aurora Loan Servs., Inc.*, 736 F. Supp. 2d 1257, 1263 (C.D. Cal. 2010); *Allen v. United Fin. Mortg. Corp.*, 660 F.Supp.2d 1089, 1093–94 (N.D. Cal. 2009); *Brodsky v. Yahoo! Inc.*, 630 F. Supp. 2d 1104, 1111 (N.D. Cal. 2009); *United States v. S. California Edison Co.*, 300 F. Supp. 2d 964, 974 (E.D. Cal. 2004); and *W. Fed. Sav. & Loan Ass’n v. Heflin Corp.*, 797 F.Supp. 790, 792 (N.D. Cal. 1992).

1. Grant Deed recorded in the Official Records of the County of Santa Barbara as Document No. 2017-0004176 on January 26, 2017, a true and correct copy of which is attached hereto as Exhibit 1.

2. Press release entitled “Santa Ynez Band of Chumash Indians Announces Camp 4 Land in Federal Trust,” dated January 23, 2017, a true and correct copy of which is attached hereto as Exhibit 2.

3. Brief entitled *United States’ Response to Plaintiff’s Motion for Preliminary Injunction in Stand Up for California! v. U.S. Dept. of Interior*, Case No. 1:12-cv-02039 (D.D.C. Jan. 18, 2013), a true and correct copy of which is attached hereto as Exhibit 3.

4. Brief entitled *Defendants’ Opposition to Plaintiff’s Request for a Temporary Restraining Order in Cachil Dehe Band of Wintun Indians of the Colusa Indian Community v. Salazar*, Case No. 2:12-cv-03021 (E.D. Cal. Jan. 18, 2013), a true and correct copy of which is attached hereto as Exhibit 4.

5. State of California Executive Order B-29-15, a true and correct copy of which is attached hereto as Exhibit 5.

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1 6. Notice of Adoption and Approval filed with the Office of Planning
2 and Research, State Clearing House No. 2014071051, regarding the Chumash
3 Hotel Expansion Project, a true and correct copy of which is attached hereto as
4 Exhibit 6.

5 7. Grant Deed recorded in the Official Records of the County of Santa
6 Barbara as Document No. 2015-0033526 on June 26, 2015, a true and correct
7 copy of which is attached hereto as Exhibit 7.

8 8. Map of Proposed Tribal Land Use, available at
9 <https://www.countyofsb.org/tribal-matters.sbc>, a true and correct copy of which
10 is attached hereto as Exhibit 8.

11 9. County of Santa Barbara Planning and Development Department
12 zoning map of properties near 350-acre property owned by Santa Ynez Band of
13 Chumash Indians, a true and correct copy of which is attached hereto as Exhibit
14 9.

15 The above documents are the proper subject of judicial notice as they are
16 “not subject to reasonable dispute” because they are either “(1) generally known
17 within the territorial jurisdiction of the trial court, or (2) capable of accurate and
18 ready determination by resort to sources whose accuracy cannot reasonably be
19 questioned.” Fed. R. Evid. 201(b). Each of the above documents is a public
20 record and maintained on a government website or with public agencies.
21 Therefore, they are not subject to dispute and verifiable.

22 Further, federal courts have taken judicial notice of the above types of
23 documents. Judicial notice is appropriate for records and reports of
24 administrative bodies, including deeds. *Grant v. Aurora Loan Servs., Inc.*, 736
25 F. Supp. 2d 1257, 1263 (C.D. Cal. 2010). Federal courts take notice of records
26 maintained in a county’s public records, public records that are verifiable
27 through an agency’s website, and documents published by governmental
28 entities that are a matter of public record. *Allen v. United Fin. Mortg. Corp.*,

1 660 F.Supp.2d 1089, 1093–94 (N.D. Cal. 2009) (finding public records and data
2 on websites of agencies properly subject to judicial notice); *W. Fed. Sav. &*
3 *Loan Ass’n v. Heflin Corp.*, 797 F.Supp. 790, 792 (N.D. Cal. 1992) (taking
4 judicial notice of documents in county’s public record). Thus, Exhibits 1 and 4
5 through 8 are the proper subjects of judicial notice.

6 In addition, federal courts take judicial notice of the existence of filings
7 in other cases and of press releases. *United States v. S. California Edison Co.*,
8 300 F. Supp. 2d 964, 974 (E.D. Cal. 2004); *Brodsky v. Yahoo! Inc.*, 630 F.
9 Supp. 2d 1104, 1111 (N.D. Cal. 2009). Therefore, Exhibits 2 through 4 also are
10 the proper subjects of judicial notice. Based on the foregoing, the County
11 respectfully requests that the Court take judicial notice of the above Exhibits 1
12 through 9.

13 Dated: January 28, 2017

Respectfully submitted
MICHAEL C. GHIZZONI
COUNTY COUNSEL

15 By: /s/_____
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17 Deputy County Counsel
18 Attorneys for Plaintiff
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