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Transportation and Housing Traci Stevens, and
State Controller John Chiang*

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SACRAMENTO

**JOHN TOS, AARON FUKADA; AND
COUNTY OF KINGS, A POLITICAL
SUBDIVISION OF THE STATE OF
CALIFORNIA,**

Plaintiffs,

v.

**CALIFORNIA HIGH SPEED RAIL
AUTHORITY, CHIEF EXECUTIVE
OFFICER, ROELOF VAN ARK;
GOVERNOR JERRY BROWN; SENATOR
MARK LENO, CHAIRMAN, JOINT
LEGISLATIVE BUDGET COMMITTEE;
STATE TREASURER, BILL LOCKYER;
DIRECTOR OF FINANCE, ANA
MATASANTOS; SECRETARY (ACTING)
OF BUSINESS, TRANSPORTATION AND
HOUSING, TRACI STEVENS; STATE
CONTROLLER, JOHN CHIANG; AND
SOES I-V, INCLUSIVE,**

Defendants.

Case No. 34-2011-00113919
**DEFENDANTS' OBJECTIONS TO
PLAINTIFFS' REQUEST FOR
JUDICIAL NOTICE**

Date: June 15, 2012
Reservation No.: 1660513
Time: 9:00 a.m.
Dept: 54
Judge: Hon. Shelleyanne W.L. Chang

Trial Date: None Set
Action Filed: November 14, 2011

FILED BY FAX

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INTRODUCTION

Plaintiffs request that the Court take judicial notice of twenty-four (24) documents including newspaper articles and a video in support of their opposition to defendants' demurrer to the first amended complaint. Defendants object to the Court's consideration of fourteen (14) of the 24 documents (Exhibit Nos. 10, 11, 12, 13, 14, 15, 17, 18, 28, 30, 31, 33, 34 and 35) as set forth more fully below and request that the court either disregard them or strike them from the record in this action.¹

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OBJECTIONS

(1) Exhibits 10, 11 and 18 are not cited in plaintiffs' opposition to defendants' demurrer to the first amended complaint; therefore plaintiffs have not provided the Court with sufficient information to enable it to take judicial notice of the documents pursuant to Evidence Code section 452 and plaintiffs have not provided defendants with sufficient information to meet the request for judicial notice as required by Evidence Code section 453; in addition, for the same reason, the documents lack foundation and are not relevant to the subject matter of the pending action (Evid. Code, §§ 210, 351);

(2) Exhibits 28, 30 and 34 are newspaper articles; newspaper articles are not matters specified in Evidence Code section 452 which may be judicially-noticed; in addition, the articles lack foundation and are inadmissible hearsay;

(3) Exhibit 33 is a video; a video is not a matter specified in Evidence Code section 452 which may be judicially-noticed; in addition, the video lacks foundation and is inadmissible hearsay;

(4) Exhibit 31 is a duplicate of Exhibit 20; therefore, the Exhibit 31 lacks foundation and is not relevant to the subject matter of the pending action (Evid. Code, §§ 210, 351).

(5) Exhibits 12, 13, 14, 15, 17 and 35 are offered in support of plaintiffs' claims that defendants have violated the requirements of Proposition 1A as set forth in plaintiffs' opposition to defendants' demurrer at page 4, line 9 through page 8, line 3; the merits of plaintiffs' claims

¹ There is no Exhibit 16.

1 are not addressed by defendants' demurrer, therefore, the documents offered by plaintiffs in
2 support of their claims on the merits are not relevant to the subject matter of the pending action
3 (Evid. Code, §§ 210, 351).

4 Dated: June 8, 2012

Respectfully Submitted,

5 KAMALA D. HARRIS
6 Attorney General of California
7 TAMAR PACHTER
8 Supervising Deputy Attorney General

9 

10 S. MICHELE INAN
11 Deputy Attorney General
12 *Attorneys for Defendants California High-Speed Rail Authority, Chief Executive*
13 *Officer Roelof van Ark, Governor Edmund G. Brown Jr., State Treasurer Bill Lockyer,*
14 *Director of Finance Ana Matosantos, Acting Secretary of Business, Transportation and*
15 *Housing Traci Stevens, and State Controller John Chiang*

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