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Rail Authority, Chief Executive Officer Jeff Morales,  
8 Governor Edmund G. Brown Jr., State Treasurer  
Bill Lockyer, Director of Finance Ana Matosantos,  
9 Acting Secretary of Business, Transportation and  
Housing Brian Kelly and State Controller John  
10 Chiang*

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
12 COUNTY OF SACRAMENTO

15 **JOHN TOS, AARON FUKUDA; AND  
16 COUNTY OF KINGS, A POLITICAL  
17 SUBDIVISION OF THE STATE OF  
CALIFORNIA,**

18 Plaintiffs,

19 v.

20 **CALIFORNIA HIGH SPEED RAIL  
21 AUTHORITY; JEFF MORALES, CEO OF  
22 THE CHSRA; GOVERNOR JERRY  
23 BROWN; STATE TREASURER, BILL  
24 LOCKYER; DIRECTOR OF FINANCE,  
25 ANA MATASANTOS; SECRETARY  
(ACTING) OF BUSINESS,  
26 TRANSPORTATION AND HOUSING,  
BRIAN KELLY; STATE CONTROLLER,  
27 JOHN CHIANG; AND DOES I-V,  
INCLUSIVE,**

28 Defendants.

Case No. 34-2011-00113919

**DEFENDANTS' OBJECTIONS TO  
PLAINTIFFS' "PART I" REQUEST FOR  
JUDICIAL NOTICE**

Date: May 31, 2013

Time: 9:00 a.m.

Dept: 31

Judge: Hon. Michael P. Kenny

Trial Date: May 31, 2013

Action Filed: November 14, 2011

1 Defendants submit the following objections to certain evidence that plaintiffs have offered  
2 in their "Part I" request for judicial notice filed in support of their pending petition for writs of  
3 mandate. Plaintiffs ask the court to take judicial notice of 14 documents identified as Exhibits A-  
4 L and statements in two video recordings identified as "items 45 and 131."

5 Defendants object to Exhibit I (a record of the "final Senate vote" on Senate Bill 1029 dated  
6 July 6, 2012) on the ground that the vote information is not relevant to the subject matter of this  
7 action and not reasonably calculated to lead to the discovery of admissible evidence. Senate Bill  
8 1029 was passed by the Legislature and signed by the Governor on July 18, 2012.

9 Defendants object to Exhibit K (a record of the voting results of the bond measure  
10 presented to the voters in November 2008 as Proposition 1A) and Exhibit L (map showing the  
11 voting results by county). Both Exhibits K and L are objectionable on the ground that the voting  
12 result information is not relevant to the subject matter of this action. Proposition 1A was passed  
13 by the voters.

14 Defendants object to items 45 and 131 (two videos) for failure to timely serve the items and  
15 on the ground of relevance. Plaintiffs served a copy of Exhibits A-L with the request for judicial  
16 notice that was filed on March 15, 2013, but did not provide a copy of items 45 and 131 at that  
17 time. Defendants did not receive a copy of items 45 and 131 until March 19, 2012. The Court  
18 should not consider the two items because they were not timely served. Further, plaintiffs offer  
19 the two items for statements contained therein indicating that the Initial Construction Section  
20 upon completion would require an operating subsidy. The statements in the videos are irrelevant  
21 to the subject matter of this action. The Initial Construction Section is not the usable segment of  
22 high-speed rail that defendants selected for construction. Defendants selected the Initial  
23 Operating Section South as the usable segment of high-speed rail to be constructed; this usable  
24 segment will operate without a subsidy in full compliance with Proposition 1A.

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Dated: April 15, 2013

Respectfully Submitted,  
  
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