

**IN THE SUPREME COURT
OF THE STATE OF CALIFORNIA**

JULIE VANDERMOST,

Petitioner,

v.

**DEBRA BOWEN, SECRETARY OF STATE OF
CALIFORNIA,**

Respondent.

Submitted Pursuant to Cal. Const., art. XXI, § 3, subd. (a)

REQUEST FOR JUDICIAL NOTICE

[Filed With Return to Court's Order to Show Cause
Dated December 9, 2011]

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CITIZENS REDISTRICTING COMMISSION

The Citizens Redistricting Commission respectfully requests that the Court take judicial notice of the documents contained in (1) the Commission’s Appendix of Exhibits, filed in this Court on December 6, 2011 and (2) the concurrently filed Supplemental Appendix of Exhibits.

All materials contained in the Appendix of Exhibits also were filed in *Vandermost v. Bowen*, No. S196493, and the Court took judicial notice of these materials in the prior action.

The documents in the Supplemental Appendix are publicly available through the Commission’s website, the Secretary of State’s website, or other publicly available sources. (Specific citations are contained in the index.) The documents on the Commission’s website have been compiled and maintained pursuant to the Commission’s constitutional mandate to “conduct an open and transparent process enabling full public consideration of and comment on the drawing of district lines” for the certified final districts. (Cal. Const., art. XXI, § 2, subd. (b); see also Gov. Code, § 8253, subd. (b) [“The records of the commission pertaining to redistricting and all data considered by the commission are public records that will be posted in a manner that ensures immediate and widespread public access”].)

The documents from the Commission’s website reflect the Commission’s deliberations and its determinations concerning the Senate districts at issue, and are subject to judicial notice as “official acts” by a constitutional body. (*People v. Castillo* (2010) 49 Cal.4th 145, 157, fn. 14.) The documents from the Secretary of State’s website are subject to judicial notice as public records. (*Id.* at p. 157.) The Court may take notice of materials from other publicly available websites—the authenticity of which

is not reasonably subject to dispute. (Evid Code, § 452, subd. (h); see *Ampex. Corp. v. Cargle* (2005) 128 Cal.App.4th 1569, 1573.)

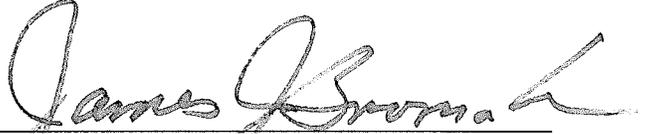
For these reasons, the Commission respectfully requests that the Court take judicial notice of the contents of the Commission's Appendix of Exhibits and Supplemental Appendix of Exhibits.

Dated: December 14, 2011

Respectfully submitted,

MORRISON & FOERSTER LLP

By:


James J. Brosnahan

Attorneys for Intervenor / Real Party in Interest
CITIZENS REDISTRICTING COMMISSION

PROOF OF SERVICE

I declare that I am employed with the law firm of Morrison & Foerster LLP, whose address is 425 Market St., San Francisco, California 94105-2482. I am not a party to the within cause, and I am over the age of eighteen years.

I further declare that on December 14, 2011, I served a copy of:

REQUEST FOR JUDICIAL NOTICE

X **BY ELECTRONIC SERVICE** [Code Civ. Proc sec. 1010.6; CRC 2.251] by electronically mailing a true and correct copy through Morrison & Foerster LLP's electronic mail system from bkeaton@mofo.com to the email addresses stated on the attached service list per instructions of the Court and in accordance with Code of Civil Procedure section 1010.6.

X **BY FACSIMILE** [Code Civ. Proc sec. 1013(e)] by sending a true copy from Morrison & Foerster LLP's facsimile transmission telephone number 415.268.7522 to the fax number(s) set forth below, or as stated on the attached service list. The transmission was reported as complete and without error. The transmission report was properly issued by the transmitting facsimile machine.

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X **BY U.S. MAIL** [Code Civ. Proc sec. 1013(a)] by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, addressed as follows, for collection and mailing at Morrison & Foerster LLP, 425 Market Street, San Francisco, California 94105-2482 in accordance with Morrison & Foerster LLP's ordinary business practices.

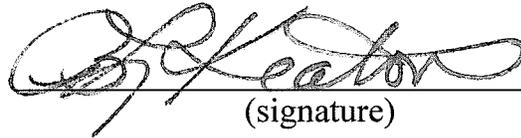
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Please see attached Service List.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed at San Francisco, California, this 14th day of October, 2011.

B. Keaton
(typed)



(signature)

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