

No. S204032

JUL 18 2013

IN THE SUPREME COURT
OF THE STATE OF CALIFORNIA

Frank A. McGuire Clerk

ARSHAVIR ISKANIAN, an individual,
Plaintiff and Appellant,

Deputy

v.

CLS TRANSPORTATION OF LOS ANGELES,
Defendant and Respondent.

AFTER DECISION BY THE COURT OF APPEAL,
SECOND APPELLATE DISTRICT, DIVISION TWO
CASE No. B235158

FROM THE SUPERIOR COURT,
COUNTY OF LOS ANGELES,
CASE No. BC 356521,
ASSIGNED FOR ALL PURPOSES
TO JUDGE ROBERT HESS, DEPARTMENT 24

**APPELLANT'S OBJECTION TO RESPONDENT'S REQUEST FOR JUDICIAL
NOTICE CONTAINED IN RESPONDENT'S OBJECTION TO APPELLANT'S
REQUEST FOR JUDICIAL NOTICE**

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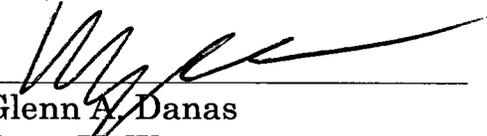
Attorneys for Plaintiff and Appellant
ARSHAVIR ISKANIAN

Appellant Arshavir Iskanian respectfully objects to Respondent's Objection to Appellant's Request for Judicial Notice to the extent it contains a request for judicial notice. (See Respondent's Objection to Appellant's Request for Judicial Notice, page 4, and Exhibits thereto.)

Respondent's "objection" seeks, in its concluding paragraph, an order that this Court take judicial notice of 813 pages of documents from *Kempler v. CLS Transportation Los Angeles, LLC*. That request is improper. A request for judicial notice *must* be made by a formal noticed motion pursuant to California Rules of Court, rule 8.54 filed separately from the moving parties' brief. (Cal. Rules of Court, rule 8.252(a)(1).) Respondent's Request for Judicial Notice should therefore be denied.

Dated: July 15, 2013

Respectfully submitted,
Capstone Law APC

By: 
Glenn A. Danas
Ryan H. Wu

Public Citizen Litigation
Group
Scott L. Nelson

Attorneys for Plaintiff-
Appellant
ARSHAVIR ISKANIAN

1 **PROOF OF SERVICE**

2 **STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

3 I am employed in the State of California, County of Los Angeles. I am over the age of
4 18 and not a party to the within suit; my business address is 1840 Century Park East, Suite 450,
5 Los Angeles, California 90067.

6 On July 15, 2013, I served the document(s) described as:

- 7 **1) APPELLANT’S OBJECTION TO RESPONDENT’S REQUEST FOR JUDICIAL NOTICE
8 CONTAINED IN RESPONDENT’S OBJECTION TO APPELLANT’S REQUEST FOR
9 JUDICIAL NOTICE**

10 on the interested parties in this action by sending the original [or] a true copy thereof
11 to interested parties as follows [or] as stated on the attached service list:

12 **SEE ATTACHED SERVICE LIST**

13 **BY MAIL (ENCLOSED IN A SEALED ENVELOPE):** I deposited the envelope(s)
14 for mailing in the ordinary course of business at Los Angeles, California. I am “readily
15 familiar” with this firm’s practice of collection and processing correspondence for
16 mailing. Under that practice, sealed envelopes are deposited with the U.S. Postal
17 Service that same day in the ordinary course of business with postage thereon fully
18 prepaid at Los Angeles, California.

19 **BY E-MAIL:** I hereby certify that this document was served from Los Angeles,
20 California, by e-mail delivery on the parties listed herein at their most recent known e-
21 mail address or e-mail of record in this action.

22 **BY FAX:** I hereby certify that this document was served from Los Angeles, California,
23 by facsimile delivery on the parties listed herein at their most recent fax number of
24 record in this action.

25 **BY PERSONAL SERVICE:** I delivered the document, enclosed in a sealed envelope,
26 by hand to the offices of the addressee(s) named herein.

27 **BY OVERNIGHT DELIVERY:** I am “readily familiar” with this firm’s practice of
28 collection and processing correspondence for overnight delivery. Under that practice,
overnight packages are enclosed in a sealed envelope with a packing slip attached
thereto fully prepaid. The packages are picked up by the carrier at our offices or
delivered by our office to a designated collection site.

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

Executed this July 15, 2013, at Los Angeles, California.

Rashan R. Barnes
Type or Print Name


Signature

SERVICE LIST

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8 9 10 11	Leo V. Leyva (<i>Pro Hac Vice</i>) Cole, Schotz, Meisel, Forman & Leonard, P.A. Court Plaza North 25 Main Street Hackensack, NJ 07601 Telephone: (646) 563-8930 Facsimile: (201) 678-6294	Attorney for Defendant/Respondent CLS Transportation of Los Angeles
12 13 14 15	Scott L. Nelson (<i>Pro Hac Vice</i>) Public Citizen Litigation Group 1600 20 th Street, NW Washington, DC 20009 Telephone: (202) 588-1000 Facsimile: (202) 588-7795 Email: SNelson@Citizen.org	Attorney for Plaintiff/Appellant Arshavir Iskanian
16 17 18	Appellate Coordinator Office of the Attorney General Consumer Law Section 300 South Spring Street Fifth Floor, North Tower Los Angeles, CA 90013	Office of the Attorney General
19 20 21	Office of the District Attorney County of Los Angeles Appellate Division 210 West Temple Street, Suite 18000 Los Angeles, CA 90012	District Attorney of the county in which the lower proceeding was filed
22 23 24	The Hon. Robert Hess Department 24 c/o Clerk of the Court Los Angeles Superior Court 111 North Hill Street Los Angeles, CA 90012	
25 26 27	California Court of Appeal Second Appellate District, Div. 2 300 S. Spring Street North Tower, 2 nd Floor Los Angeles, CA 90013	