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IN THE SUPREME COURT OF THE  
STATE OF CALIFORNIA

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BIANKA M.,  
*Petitioner,*

v.

THE SUPERIOR COURT OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES,

*Respondent;*

GLADYS M.,  
*Real Party in Interest.*

SUPREME COURT  
**FILED**

APR 19 2017

Jorge Navarrete Clerk

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Deputy

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Second District Court of Appeal  
Case No. B267454  
Los Angeles County Superior Court  
The Honorable Holly J. Fujie  
Civil Case No. BF052072

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**MOTION OF *AMICI CURIAE* IN SUPPORT OF PETITIONER  
BIANKA M. REQUESTING JUDICIAL NOTICE; MEMORANDUM OF  
POINTS AND AUTHORITIES IN SUPPORT THEREOF; DECLARATION  
OF THOMAS M. PETERSON; PROPOSED ORDER**

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|                                     |                                      |
|-------------------------------------|--------------------------------------|
| Daniel Grunfeld (Bar No. 128494)    | Thomas M. Peterson (Bar No. 096011)* |
| David Sean Cox (Bar No. 181232)     | MORGAN, LEWIS & BOCKIUS LLP          |
| Nicolette L. Young (Bar No. 280810) | One Market Street, Spear Tower       |
| Lauren S. Schwartz (Bar No. 312253) | San Francisco, CA 94105              |
| MORGAN, LEWIS & BOCKIUS LLP         | Telephone No. (415) 442-1000         |
| 300 South Grand Avenue, 22nd Floor  | Facsimile No. (415) 442-1001         |
| Los Angeles, CA 90071               |                                      |
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| Facsimile No. (213) 612-2501        |                                      |

ATTORNEYS FOR *AMICI CURIAE* LEGAL SERVICES FOR CHILDREN,  
IMMIGRATION CENTER FOR WOMEN AND CHILDREN, LAW  
FOUNDATION OF SILICON VALLEY, AND LAWYERS' COMMITTEE FOR  
CIVIL RIGHTS OF THE SAN FRANCISCO BAY AREA

**MOTION REQUESTING JUDICIAL NOTICE**


Pursuant to California Evidence Code §§ 452 and 459, and California Rules of Court, Rule 8.252(a), *amici curiae* in support of Petitioner Bianka M. respectfully request that the Court take judicial notice of the following documents:

1. Minute Order in *Fabricio V. v. Vigil* (L.A.S.C. Case No. BF055254) (April 13, 2016).
  2. Minute Order in *Jaqueline M. v. Mazariegos* (L.A.S.C. Case No. BF055213) (April 6, 2016).
- Minute Order in *Santos M. v. Maria* (L.A.S.C. Case No. BF056018) (July 20, 2016).

Dated: April 6, 2017

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

By:   
Thomas M. Peterson

Attorneys for *Amici Curiae* Legal  
Services for Children, Immigration  
Center for Women and Children,  
Law Foundation of Silicon Valley,  
and Lawyers' Committee for Civil  
Rights of the San Francisco Bay  
Area

**MEMORANDUM OF POINTS AND AUTHORITIES**

A reviewing court may take judicial notice of any matter specified in Evidence Code section 452. “In determining the propriety of taking judicial notice of a matter, or the tenor thereof, the reviewing court has the same power as the trial court under Section 454.” Evidence Code section 459(b).

A court may take judicial notice of the “[r]ecords of . . . any court of this state.” Evidence Code section 452(d); *Sosinsky v. Grant* (1992) 6 Cal.App.4th 1548, 1569 (finding it is proper to take judicial notice of the existence of court records).

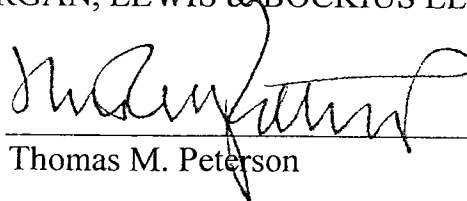
*Amici* ask this Court to take judicial notice of the Minute Orders denying Special Immigrant Juvenile Status (“SIJS”) findings in three cases, which are attached as Exhibits A-C to the declaration of Thomas M. Peterson. The purpose of this request for judicial notice is to put before the Court illustrative examples of how the Court of Appeal’s ruling in *Bianka M. v. Superior Court* (2016) 245 Cal.App.4th 406 has directly and injuriously impacted the population of vulnerable immigrant children Congress intended to protect. The Minute Orders are relevant because they offer context of the real detrimental effect *Bianka M.* has had on otherwise eligible children. These documents were not presented to the trial court because they show the effect of the trial court’s decision.

Dated: April 6, 2017

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

By:

  
\_\_\_\_\_  
Thomas M. Peterson

**DECLARATION OF THOMAS M. PETERSON**

I, Thomas M. Peterson, declare as follows:

1. I am an attorney licensed to practice law before the courts of this state, and a partner at the law firm of Morgan, Lewis & Bockius LLP, attorneys for *amici curiae* Legal Services for Children, Immigration Center for Women and Children, Law Foundation of Silicon Valley, and Lawyers' Committee for Civil Rights of the San Francisco Bay Area.

2. I have personal knowledge of the facts set out here. If called as a witness, I would and could testify competently thereto.

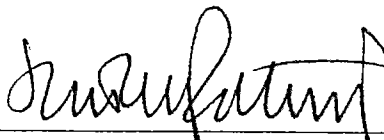
3. Attached hereto as Exhibit A is a true and complete copy of the Minute Order in *Fabricio V. v. Vigil*, Los Angeles Superior Court Case No. BF055254). This was obtained at my direction from *amici*.

4. Attached hereto as Exhibit B is a true and complete copy of the Minute Order in *Jaqueline M. v. Mazariegos*, Los Angeles Superior Court Case No. BF055213. This was obtained at my direction from *amici*.

5. Attached hereto as Exhibit C is a true and complete copy of the Minute Order in in *Santos M. v. Maria*, Los Angeles Superior Court. Case No. BF056018. This was obtained at my direction from *amici*.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at San Francisco, California, on April 6, 2017.

By:

  
\_\_\_\_\_  
Thomas M. Peterson

**[PROPOSED] ORDER**

The motion of *amici curiae* in support of Petitioner Bianka M. requesting judicial notice is hereby GRANTED.

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Chief Justice

## CERTIFICATE OF SERVICE

I, Davace Chin, declare that I am a resident of the State of California, County of San Francisco. I am over the age of eighteen years and not a party to the within action; my business address is Morgan, Lewis & Bockius LLP, One Market Street, Spear Tower, San Francisco, California 94105.

On April 6, 2017, I caused the following document to be served:

**MOTION OF *AMICI CURIAE* IN SUPPORT OF PETITIONER  
BIANKA M. REQUESTING JUDICIAL NOTICE; MEMORANDUM  
OF POINTS AND AUTHORITIES IN SUPPORT THEREOF;  
DECLARATION OF THOMAS M. PETERSON; PROPOSED  
ORDER**

via U.S. Postal Service – by placing the document listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at San Francisco, California addressed as set forth below:

Joshua C. Lee  
Miller Barondess, LLP  
1999 Avenue of the Stars, Suite 1000  
Los Angeles, CA 90067

Lisa R. Jaskol and Judith London  
Public Counsel  
610 South Ardmore Avenue  
Los Angeles, CA 90005

Nickole Gretta Miller  
Immigrant Defense Law Center  
634 South Spring Street, 3rd Floor  
Los Angeles, CA 90014

Eric Westlund and Julian Poon  
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Allison W. Meredith  
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1925 Century Park East, Suite 1900  
Los Angeles, CA 90067

L. Rachel Lerman  
Barnes & Thornburg LLP  
2029 Century Park East, Suite 300  
Los Angeles, CA 90067

Hon. Holly Fujie  
Los Angeles Superior Court  
111 North Hill Street, Dept. 87  
Los Angeles, CA 90012

California Court of Appeal  
Second Appellate District, Division 3  
300 S. Spring Street  
North Tower – Second Floor  
Los Angeles, CA 90013

I declare under penalty of perjury, under the laws of the United States of America and the State of California, that the above is true and correct. Executed on April 6, 2017, at San Francisco, California.

By:  \_\_\_\_\_  
Dayace Chin

DB2/31299018.2

EXHIBIT A



# SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

|           |            |                |                      |  |
|-----------|------------|----------------|----------------------|--|
| Date      | 04-13-16   |                |                      |  |
| Honorable | COLIN LEIS | Judge          | L. YU                | Dept. Dept.<br>CF 66<br>[CE66]<br>Deputy Clerk |
| Honorable |            | Judge Pro Tem  | T. DE LA PAZ         | Court Assistant                                |
| S         | D. ALEMAN  | Deputy Sheriff | S. COHEN, CSR# 13715 | Reporter                                       |

|         |   |  |
|---------|---|--|
| 8:30 am | BF055254<br>Fabricio Gonzalo Cruz Vigil<br>(X)<br>VS.<br>Alba Luz Vigil (X) | Counsel For<br>Petitioner:            MARIA SOFIA CORONA (X)<br><br>Counsel For    In Pro Per (X)<br>Respondent:<br>GUARDIAN AT LITEM: JESSICA D.<br>MENDOZA (X) |
|---------|---|--|

**NATURE OF PROCEEDINGS: PETITIONER'S REQUEST FOR ORDER RE CHILD CUSTODY AND OTHER: SIJS FINDINGS (FILED ON 02-05-16);**

The matter is called for hearing.

Elisa Chavez Fraga, Spanish Certified Court Interpreter, #300244, interpreted for petitioner and respondent. Interpreter's badge has been verified by the court and the oath is on file.

Petitioner and respondent are sworn to testify.

The court inquires of counsel.

The court hears argument.

The court places temporary sole legal and physical custody of minor Fabricio Gonzalo Cruz Vigil with respondent as being in minor's best interests until further court order pending a judicial determination of the other parent's parentage.

The Special Immigrant Juvenile findings are taken under submission this date.

Later, the court, in chambers out of the presence of the court reporter, issues its Ruling After Hearing as follows:

|                                |
|--------------------------------|
| Dept.<br>DEPT: CE 66<br>(CE66) |
|--------------------------------|

|   |
|---|
| MINUTES ENTERED<br>04-13-16<br>COUNTY CLERK |
|---|

EXHIBIT B

# SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

|           |               |                |                          |
|-----------|---------------|----------------|--------------------------|
| Date      | 04-06-16      |                |                          |
| Honorable | MARC D. GROSS | Judge          | J. CHOI                  |
| Honorable |               | Judge Pro Tem  | ARMIDA GUTIERREZ         |
| 14        | J. PERALES    | Deputy Sheriff | E. VIRGOE, CSR NO. 11732 |

Dept: Dept.  
 CE 2D  
 [CE2D]  
 Deputy Clerk  
 Court Assistant  
 Reporter

|         |          |   |                            |   |
|---------|----------|---|----------------------------|---|
| 8:30 am | BF055213 | Jaqueline Sofia Reyes<br>Mazariegos (X) | Counsel For<br>Petitioner: | Carisa Ailin Buigues (X)  |
|         |          | VS.                                     |                            |   |
|         |          | Erika P Reyes Mazariegos (X)            | Counsel For<br>Respondent: | In Pro Per (X)<br><br>Counsel for Guardian Ad Litem:<br>Michael A. Wertheim (X) |

**NATURE OF PROCEEDINGS: PETITIONER'S REQUEST FOR ORDER FILED FEB 17 2016 RE; CHILD CUSTODY;**

Matter is called for hearing.

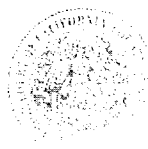
Court finds that petitioner's alleged biological father is an indispensable party who should be joined as a respondent in this case, pursuant to the Bianka M. case.

Counsel for petitioner represents paternity has not been established.

Court asks how California has personal jurisdiction over petitioner's father which is necessary for the Court to determine paternity, which is necessary to determine that father abandoned petitioner, a finding she seeks.

Counsel offers no basis for California jurisdiction over petitioner's father.

Request is denied without prejudice.



I certify that this is a true and correct copy of the  
original MINUTE ORDER  
of the Board of Supervisors of the County of Los Angeles.

*[Signature]*  
Deputy

APR 11 2016

D WADE

EXHIBIT C

# SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

|           |              |                |                     |  |                                |
|-----------|--------------|----------------|---------------------|--|--------------------------------|
| Date      | 07-20-16     |                |                     |  | Dept: Dept.<br>CE 59<br>[CE59] |
| Honorable | Rolf M. Treu | Judge          | G. Morales          |  | Deputy Clerk                   |
| Honorable |              | Judge Pro Tem  | A. Cabrera          |  | Court Assistant                |
| 10        | S. Pineda    | Deputy Sheriff | G. Viray, CSR# 7267 |  | Reporter                       |

|         |  |  |   |
|---------|--|--|---|
| 8:45 am | BF056018<br>Santos [REDACTED]<br>[REDACTED]<br>VS.<br>Maria [REDACTED] (X) | Counsel For<br>Petitioner:<br><br>Counsel For<br>Respondent:<br><br>Guardian Ad<br>Litem for<br>Petitioner | Nadia Danilovich (X)<br>Nickole Miller (X)<br><br>In Pro Per (X)<br><br>Inna Parizher (X) |
|---------|--|--|---|

**Nature of Proceedings:** PETITIONER'S REQUEST FOR ORDER RE: CHILD CUSTODY AND OTHER: SIJS FINDINGS. (FILED 6/13/16)

Matter is called for hearing.

Sonia Peralta, Spanish Certified Court Interpreter, #301664, interpreted for the Petitioner and the Respondent. Interpreter's badge has been verified by the Court and the oath is on file.

The Petitioner and Respondent sit in the audience and are assisted by the Spanish language interpreter.

The Court recites its tentative ruling into the record which is to deny the request.

Cause is argued.

The Court finds the father of the minor child is not a party to this action and that this Court has no jurisdiction over the father.

The Petitioner's Request for Order for SIJS Findings is denied on the following grounds:

1. The child's father is not a party to this action and
2. The Court has no jurisdiction over the child's father. Notice is deemed waived.