IN THE SUPREME COURT OF CALIFORNIA

COUNTY OF LOS ANGELES, CHIEF EXECUTIVE OFFICE, etc.) S191944
Plaintiff and Appellant,) Ct.App. 2 B217668
v. LOS ANGELES COUNTY EMPLOYEE RELATIONS COMMISSION,) Los Angeles County) Super. Ct. No. BS116993) Hon. James C. Chalfant)
Defendant and Respondent;	
SERVICE EMPLOYEES	
INTERNATIONAL UNION, LOCAL 721,)) SEP 16 2011
Real Party in Interest and Respondent.	

REQUEST FOR JUDICIAL NOTICE

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Attorneys for Plaintiff and Appellant COUNTY OF LOS ANGELES, CHIEF EXECUTIVE OFFICE

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Attorneys for Plaintiff and Appellant COUNTY OF LOS ANGELES, CHIEF EXECUTIVE OFFICE

INTRODUCTION

The County requests that the Court take judicial notice of two sets of materials—(1) the five volumes of legislative history of the Meyers-Milias-Brown Act that the Court of Appeal judicially noticed, and (2) the fact that SEIU Local 721 maintains a website at which it posts information related to its representation of Los Angeles County employees.

LEGISLATIVE HISTORY

Pursuant to Evidence Code section 459 and Rule 8.252, California Rules of Court, the County asks the Court to take judicial notice of the documents contained in the bound volumes titled "Documents for which Judicial Notice Is Requested – AB 3109" and "Documents for which Judicial Notice Is Requested – SB 1228." The documents are portions of the legislative history of two bills that form a part of what is known as the Meyers-Milias Brown Act. They were obtained from the Legislative Intent Service in Woodland, California and submitted under the declarations of Dorothy H. Thomson, as true and correct copies of the originals.

The County presented these materials to the Court of Appeal, which granted the request for judicial notice on November 17, 2009, as reflected in its docket.

This Court may rely on materials compiled by the Legislative Intent Service

Under Evidence Code section 459 appellate courts have the same right and power to take judicial notice as do the trial courts. "In an effort to discern legislative intent, an appellate court is entitled to take judicial notice of the various legislative materials, including committee reports,

underlying the enactment of a statute." The Court of Appeal granted RVLG's request for judicial notice of documents bearing on the legislative history of section . . . We have likewise granted RVLG's request in this court to take judicial notice of these same legislative history materials."

Documents supplied by the Legislative Intent Service have consistently been utilized by the Supreme Court and the Courts of Appeal, either when proffered by the litigants or on their own motion, and the Legislative Intent Service has often been mentioned in appellate opinions as the source of the documents.³

The declaration of a Legislative Intent Service attorney to the effect that the copies provided are true and correct copies of the originals is sufficient to authenticate the materials.⁴

Courts have taken judicial notice of the types of documents submitted with this request

Courts have taken judicial notice of the same types of legislative documents submitted with this request, as follows:

- Various versions of a legislative bill.⁵
- Committee analyses.⁶

¹ Hale v. Southern California IPA Medical Group, Inc. (2001) 86 Cal.App.4th 919, 927

² Smith v. Rae-Venter Law Group (2002) 29 Cal.4th 345, 359, fn.7.

³ See, e.g., *People v. Sanchez* (2001) 24 Cal.4th 983, 992, fn.4; *People v. Brown* (1993) 6 Cal.4th 322, 334; and *People v. Connor* (2004) 115 Cal.App.4th 669, 681, fn.3.

⁴ People v. Connor, supra, 115 Cal.App.4th at p. 681; Whaley v. Sony Computer America, Inc. (2004) 121 Cal.App.4th 479, 487.

⁵ Alford v. Superior Court (2003) 29 Cal.4th 1033, 1040-1041; Myers v. Philip Morris Companies, Inc. (2002) 28 Cal.4th 828, 844

- Legislative committee bill analysis worksheet and other documents from a legislative committee file. ⁷
- Legislative author letters to governor⁸

The documents are relevant

The types of legislative documents submitted herewith are routinely considered by the reviewing courts of this State when considering the background and purpose of specific bills and statutes. Here, this material sheds considerable light on the circumstances leading to the passage of Assembly Bill 3109 in 1961 and Senate Bill 1228 in 1968, and the language ultimately arrived at through the legislative process for the text of Government Code sections 3505 and 3507.

SEIU LOCAL 721's WEBISTE

Evidence Code section 452, subdivision (h) permits this Court to take judicial notice of "facts and propositions that are not reasonably subject to dispute and are capable of immediate and accurate determination by resort to sources of reasonably indisputable accuracy." That SEIU Local 721 maintains a website is not reasonably subject to dispute, and is capable of immediate and accurate determination by accessing http://www.seiu721.org over the Internet. The Courts of Appeal have recognized the propriety of taking judicial notice of

⁶ In re J. W. (2002) 29 Cal.4th 200, 211-212; El Dorado Palm Springs, Ltd. v. City of Palm Springs (2002) 96 Cal.App.4th 1155, 1170.

⁷ People v. Connor, supra, 115 Cal.App.4th at p. 681, fn.3; People v. Snyder (2000) 22 Cal.4th 304, 309.

⁸ Lantzy v. Centex Homes (2003) 31 Cal.4th 363, 376-7; Mercy Hospital and Medical Center v. Farmers Insurance Group of Companies (1997) 15 Cal.4th 213, 222.

websites.⁹ Attached to this request is a copy of the home page and a copy of the page entitled "Los Angeles County."

Although the County did not ask the Court of Appeal to take judicial notice of this fact, this Court may take judicial notice because this fact is known to the SEIU and it will have the opportunity to respond to the County's arguments regarding that fact in its reply brief.

September 15, 2011

Calvin House Gutierrez, Preciado & House, LLP

⁹ Shaw v. People ex rel. Chiang (2009) 175 Cal.App.4th 577, 606, fn. 10 (judicial notice of Department of Transportation website); Moehring v. Thomas (2005) 126 Cal.App.4th 1515, 1524, fn. 5 (judicial notice of Forest Service's website); In re White (2004) 121 Cal.App.4th 1453, 1469, fn. 14 (judicial notice of State Bar website); Gentry v. eBay, Inc. (2002) 99 Cal.App.4th 816, 821, fn. 1 (judicial notice of eBay's website as support for demurrer); Walt Rankin & Associates, Inc. v. City of Murrieta (2000) 84 Cal.App.4th 605, 623-624, fn. 12 (judicial notice of Insurance Commissioner's website).



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211 LA County Workers Overwhelmingly Ratify New Contract



Victory - 211 LA County Workers Vote Yes on Contract That Preserves Security for Workers.

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Top Story

California to Invest \$800 Million in Infrastructure Through Public Pension Funds This week the California Public Employees' Retirement System (CalPERS) has earmarked up to \$800 million for investments in California infrastructure such as transportation, energy, utilities and natural resources - an action that will create good jobs for years to come.

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- » Another Victory in the Fight to Tame the Privatization Beast!

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Los Angeles County

- » SEIU Latino Caucus Summit to Cover Immigration, Growing Political Power
- » All LA County articles

Cities of Los Angeles and Orange County

- » Santa Ana Chapter Picnic Fun!
- » All LA/OC articles

One to One: 721 Blog

SEIU 721 in Solidarity With Farm Worker's March on Capitol



Keeping LA Safe Means Full Time Traffic Officers



The Only Way to Make a Change

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NATIONAL WORKFORCE NETWORK

Event Calendar

September 14: Anti-Bully Campaign Committe meeting (Ventura, CA)

September 15: Member Organizing - North County (Lancaster, CA)

September 15: Member Organizing (Lancaster, CA)

September 17: Coastal Clean-up Day - Ventura (Ventura, CA)

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SBU 721, 500 S. Virgil Ave Los Angeles, CA (213) 368-6660 Member Action Center (377) 721-4YOU © 2011 - SBU 721 - Service Employees International Linion, CTA/, CLC



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Los Angeles County

SEIU 721 represents more than 55,000 employees in Los Angeles County, stretching from the desert to the beaches. Our members provide quality parks, protect our drinking water, meet the needs of families, care for people at our hospitals and clinics, and much more for the 10 million people who live here

SEIU Latino Caucus Summit to Cover Immigration, Growing Political Power

4:46 PM - September 13, 2011

Join SEIU as we come together to discuss the critical issues facing Latino families and communities. During this time of unprecedented attacks on working families, SEIU will hold a Latino Caucus Pre-Convention Summit from Sept. 30 to Oct. 1.

The summit will cover issues of immigration, lifting Latino leaders in SEIU, building our growth potential and expanding our political voice. All members are invited to attend this summit.

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Categories: Cities of Los Angeles and Orange County, Los Angeles County | Tags: |#

Another Victory in the Fight to Tame the Privatization Beast!

7:47 PM - September 12, 2011



Our fight to stop the Privatization Beast from preying upon our public libraries celebrated another victory as the California State Senate passed AB 438 (Williams) on Sept. 9. This legislation requires basic protections for tax payers and library patrons when library services are being considered for privatization.

READ ENTIRE POST »

ONE COMMENT

Categories: Campaigns, Cities of Los Angeles and Orange County, Inland Area, Los Angeles County, Santa Clarita, Tri-Counties | Tags: la county, library, privatization, Ventura

211 LA County Workers Overwhelmingly Ratify New Contract

SEIU members of 211 LA County overwhelmingly ratified a new contract agreement with the 211 LA County management that includes no wage cuts, maintains the Step Wage System, and strengthens language that empowers the union to meet with management about issues going

When ballots were tallied September 8, 100% of 211 workers who voted in the election cast ballots to approve the new agreement.

Take Action

Sign up for email updates

LA County Quick Links

- » Frequently-Asked Questions
- » View and Download Your LA County contract
- » Information for LA County Nurses
- » Recreation Discounts
- » Benefits and Programs

Los Angeles Office 500 S. Virail Avenue Los Angeles, CA 90020 Phone Number: 213-368-8660 View map

Contact Us

Write us a message and we'll get back to you. If you may be facing a disciplinary situation at work, please call the SEIU 721 Member Action Center immediately at (877) 721-4YOU, anytime between 7 am - 7 pm, Monday through Friday.

Email Address

Last Name

First Name Zip Code

Phone Number

SEIU 721 Member?

Select Region...

Your Comments

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Los Angeles County Monthly Archives

- » September 2011 (6)
- » August 2011 (13)
- » July 2011 (6)
- » June 2011 (8)
- » May 2011 (5)
- » April 2011 (1)
- » March 2011 (8)
- » February 2011 (6)
- » January 2011 (4)
- » December 2010 (7)
- » November 2010 (6)
- » October 2010 (7)
- » September 2010 (9)

SEIU 721 Members Fired Up for a Fair Economy

8:49 AM - September 7, 2011

Our economy is broken and our rights as workers are being threatened. Here in California and across the country we are dealing with record high unemployment rates, home foreclosures and gas prices while large corporations make record profits and pay nothing in taxes.

The Fight for a Fair Economy is spreading throughout Southern California. SEIU 721 members Executive Board Member are taking action to spread the word about who is responsible for breaking our economy and how we can fix it.



"The beginning of our offensive play is getting the community mobilized and educating them that we are getting left

behind" - Nady Maechling, LA City Engineering Associate and SEIU 721



"If we work together it is very hard to ignore the message of millions and millions of people fighting for our rights" - David

Green, LA County Social Worker and LACERA Board Member



"We as workers need to change the conversation. We need to get out there and make sure that the public knows what is

really happening"-Cindy Singer, LA County Librarian and SEIU 721 Executive Board Member

Hard working union members didn't break this economy. It is time to find solutions to put people back to work, protect our basic rights and demand corporations and billionaires pay their fair share of

Take Action: Good Jobs LA is setting up watch parties around the region Thursday, September 8 to watch President Obama's proposals for fixing the economy. Click **HERE** to find a watch party near you or to download a viewing kit to start your own watch party.

» August 2010 (9)	
» July 2010 (11)	
» June 2010 (7)	
» May 2010 (9)	
» April 2010 (13)	
» March 2010 (15)	
» February 2010 (12)	
» January 2010 (11)	
» December 2009 (5)	
» November 2009 (9)	
» October 2009 (13)	
» September 2009 (22)	
» August 2009 (13)	
» July 2009 (16)	
» June 2009 (25)	
» May 2009 (9)	
» April 2009 (3)	
» December 2008 (1)	

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Categories: Campaigns, Cities of Los Angeles and Orange County, Fight for a Fair Economy, Inland Area, Los Angeles County, Tri-Counties | Tags: Fight For A Fair Economy, Good Jobs

UFW Marchers and SEIU 721 Members Celebrate at Capitol

4:25 PM - September 6, 2011



Marching side by side with mushroom, strawberry and grape pickers, and others that toil in the hard soil and hot California sun, made a profound impression on SEIU 721 member and retired registered nurse Rosie Martinez this past week.

"This experience has changed my life," said Martinez. "I have always supported farm workers, but now I have a profound understanding of their life and struggles. Walking side by side, caring for their sore and blistered feet, providing them medical help so they can continue their march, all their effort to make a difference in their own struggle has left me humble to have been a part of the experience."

The 13 day, 200 mile march, which started as a protest against Gov. Brown's veto of the Fair Treatment for Farm Workers Act bill, culminated with a rally at the state capitol, where organizers celebrated a compromise agreement that will strengthen the Agricultural Labor Relations Act. The full legislation will vote on the bill before the end of session this Friday.

T have so much respect for these workers and I am proud that I was able to give them some comfort," Martinez said. "They were full of blisters but they refused to stop. I learned so much from them. They were able to stand up to their own physical adversity and continue to march. I am willing to fight the good fight on behalf of them if they need me."

Martinez and over 3,000 other marchers were joined by about 30 SEIU 721 members who boarded a bus from Los Angeles and participated in the final day of the march.

READ ENTIRE POST »

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Categories: Cities of Los Angeles and Orange County, Fight for a Fair Economy, Inland Area, Los Angeles County, Tri-Counties | Tags: Farmw orkers, Fight For A Fair Economy, Labor, Labor Day, SEU721 | #

Community Coalition Join SEIU 721 Workers to Save Clínica Romero

11:48 AM - September 2, 2011

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Categories: Clinics and Nonprofits, Los Angeles County | Tags. accountability, Clinica Romero, Events, health care, la county, Nonprofits, public service | #

Community Rallies to Rescue Clinica Romero from Closure

12:52 PM - August 29, 2011

On August 30, a community coalition of patients, workers and health care activists, who came together in an effort to save Clínica Monseñor Oscar A. Romero, will march on the office of Clinic Board President Carlos Vaquerano to hold him accountable for the failures of his leadership which has put the health of the clinic in critical condition.



Rally to Rescue Clinica Romero Tuesday, Aug. 30, 2011 6:15 p.m.

SALEF - 1625 West Olympic Blvd, Los Angeles, CA 90015

READ ENTIRE POST »

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Categories: Campaigns, Clinics and Nonprofits, Fight for a Fair Economy, LA County Wellness, Los Angeles County | Tags: accountability, budget cuts, clinic, Clinica Romero, County of Los Angeles, Events, health care, jobs | #

Workers Unite at Labor Day Celebrations Around the Region

12:21 PM - August 29, 2011

In recognition of Labor Day on Sept. 5, SEIU 721 members in Southern California and across the country are mobilizing their communities to restore fairness to our economy and rebuild our communities.

Attend these events near you to honor the labor of hardworking families:

Community Action Coalition of the Inland Empire Labor Pienic and Rally

Date: Saturday, Sept. 3, 2011

Time: 10 a.m. to 2 p.m.

Location: Fairmount Park, Riverside, CA

Contact: community action coalitionie@yahoo.com or call (951) 488-0547.

Join Farm Workers Marching to Sacramento

Date: Sunday, Sept. 4, 2011

Time: 10 a.m. to 12 p.m.

Location: State Capitol in Sacramento

Contact:Call SEIU 721 Team Captain Rosie Martinez at 213-494-8314 or call your Worksite Organizer to sign up for our bus to Sacramento.

Labor Solidarity March

Date: Monday, Sept. 5, 2011

Time: Assembly begins 8 a.m. and march departs at 10 a.m.

Location: Broad and E Street, Wilmington

Rally follows March at Banning Park on Pacific Coast Highway in Wilmington, Ca.

Contact: www.lalharborlabor.org

Labor Day Parade in Santa Paula

Date: Monday, Sept. 5, 2011

Time: 9 a.m.

Location: Meet at Farm Worker's Monument

Santa Barbara St. and 9th St. in Santa Paula

Contact: SEIU 721 Tri-Counties Office at 805-650-4420.

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Categories: Campaigns, Oties of Los Angeles and Orange County, Fight for a Fair Economy, Inland Area, Los Angeles County, Tri-Counties | Tags: Events, Inland Empire, Labor, Labor Day, Los Angeles City, Los Angeles County, Tri-Counties | #

SEIU 721 Members Take On the "Privatization Beast" in Sacramento

11:41 AM - August 26, 2011



More than 60 SEIU 721 members, library workers and friends of public libraries traveled to Sacramento to join other librarians, supporters, legislators and the Privatization Beast at a press conference and rally for the passage of AB 438 on Aug. 22. This legislation would put in place basic protections for taxpayers and the library patrons when library services are being considered for privatization.

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Categories: Los Angeles County, Save Our Santa Clarita Libraries, Tri-Counties, Ventura | Tags: LA County, library, privatization, Santa Clarita | #

What is the "Acknowledgement of Employee Responsibilities" Form?

5:10 PM - August 22, 2011

All employees of LA County, including management, are being asked to acknowledge they have received and read the "Acknowledgement of Employee Responsibilities" form.

The statements included on the form do not extend any new responsibilities to workers. Furthermore, neither the form nor your signature waives contract language that obligates the County to provide a legal defense on account of the performance of your duties as a County employee.

<u>Click here</u> to download a flyer about the "Acknowledgement of Employee Responsibilities" form

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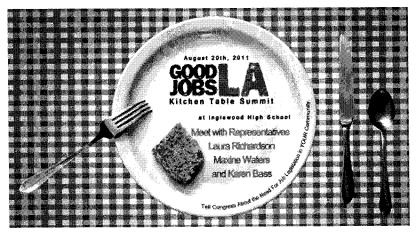
Categories: Los Angeles County | Tags: BPC, LA County | #

211 LA County Workers Rally For a Fair Contract

5:30 PM - August 19, 2011

Residents Make the Call for Good Jobs at Kitchen Table Summit on Aug. 20

12:47 PM - August 15, 2011



Two thousand residents from struggling LA communities will join Congress-members Karen Bass and Laura Richardson to take on the issues facing them at their kitchen tables -- depression-level unemployment, bankruptcies, foreclosures and cuts to public services -- and to call for urgent job creating legislation.

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Categories: Cities of Los Angeles and Orange County, Los Angeles County | Tags: la city, LA County | #

Rally to Support 211 Workers

12:12 PM - August 15, 2011

Join SEIU 721 workers at 211 LA County as they stand together for respect in the workplace on Aug. 18, 2011.

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Categories: Los Angeles County | Tags: bargaining, LA County | #

The Only Way to Make a Change is Get Involved

5:23 PM - August 12, 2011



By David Green

LA County Social Worker, LACERA's Board of Investments

On Aug. 4, 2011, I was elected to the LACERA Board of Investments by my fellow coworkers.

I made the decision to run because I wanted to ensure the security of my family's future and that of all county workers.

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3 COMMENTS

Categories: Los Angeles County, One to One | Tags: LA County, LACERA | #

Scholarship

10:59 AM - August 11, 2011



The Los Angeles Professional Managers Association is proud to offer one \$1,000 college scholarship to an outstanding college student or graduating high school student.

Applications for the LAPMA scholarship are available here.

Applications must be submitted by September 9, 2011.

If you have questions, please contact

Adel Hagekhalil (213) 485-2210

Cora Jackson-Fossett (213) 97 8-0333

Michael Kantor (213) 485-4920

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Categories: Oties of Los Angeles and Orange County, Los Angeles City Professionals Los Angeles County, My Union | Tags: LAPMA, los angeles city, scholarship | #

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PROOF OF SERVICE BY MAIL

In re: REQUEST FOR JUDICIAL NOTICE; Case No. S191944

Caption: County of Los Angeles v. L.A. County Employee

Relations Commission

Filed: Supreme Court of California

STATE OF CALIFORNIA) ss: COUNTY OF LOS ANGELES)

I am a citizen of the United States and a resident of the City of Pasadena, County of Los Angeles; I am over the age of eighteen years and not a party to the within action; my business address is 3020 E. Colorado Blvd., Pasadena, California 91107. On this date, I served the persons interested in this action by placing one copy of the above-entitled document in a sealed envelope and prepared for Federal Express, overnight mail, addressed as follows:

David A. Rosenfeld, Bar No. 058163 Alan G. Crowley, Bar No. 203438 Weinberg, Roger & Rosenfeld 1001 Marina Village Parkway, Suite 200 Alameda, CA 94501

CLERK

Los Angeles Superior Court For: Hon. James Chalfant, Dept. 85 111 North Hill St. Los Angeles, CA 90012

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

Executed on September 15, 2011, at Pasadena, California

Margaret Bennici