

S252915

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

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LESLIE T. WILDE,

*Plaintiff and Appellant,*

v.

CITY OF DUNSMUIR, et al.

*Defendants and Respondents.*

SUPREME COURT  
**FILED**

MAR 01 2019

Jorge Navarrete Clerk

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Deputy

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After a Published Decision of the Court of Appeal of the State of California  
Third Appellate District, Case No. C082664

Reversing a Judgment of the Superior Court of the State of California  
for the County of Siskiyou, Case No. SC CV PT 16-549  
Honorable Anne Bouliane, Judge Presiding

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**MOTION FOR JUDICIAL NOTICE**

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\*John Sullivan Kenny, SBN 39206

jskenny@lawnorcal.com

Linda R. Schaap, SBN 171945

lschaap@lawnorcal.com

**KENNY & NORINE**

1923 Court Street

Redding, CA 96001

Tel: (530) 244-7777

Fax: (530) 246-2836

Attorneys for Defendants and Respondents  
City of Dunsmuir, et al.

Pursuant to rule 8.54 of the California Rules of Court and Evid. Code, section 452, subdiv. (h), the City of Dunsmuir (“City”) moves for judicial notice of the Howard Jarvis Taxpayers Association “Right to Vote on Taxes Act” (Proposition 218) (Annotated as of September 5, 1996) reprinted in League of California Cities, Propositions 26 and 218 Implementation Guide (May 2017) at p. 126 et seq.

**MEMORANDUM OF POINTS AND AUTHORITIES**

This motion seeks judicial notice of the Howard Jarvis Taxpayers Association’s annotation of Proposition 218. The annotation was circulated during the campaign on the measure, which might be said to be part of its legislative history, and evidences the understandings debated in the campaign on Proposition 218, suggesting the intention to preserve *Rossi v Brown* (1995) 9 Cal.4<sup>th</sup> 688.


The rationale for admission of materials under Evid. Code, section 452(h) is that they are matters that are not reasonably subject to dispute and capable of immediate and accurate determination by resort to sources of reasonably indisputable accuracy. Thus, this Court may take judicial notice of the Howard Jarvis Taxpayers Association’s “Right to Vote on Taxes Act” (Annotated as of September 5, 1996) pursuant to Section 452(h).

Based on the foregoing reasons, the City respectfully request this Court to grant this motion for judicial notice.

Respectfully submitted,

Dated: February 28, 2019

KENNY & NORINE

  
JOHN SULLIVAN KENNY  
LINDA R. SCHAAP  
Attorneys for Respondents  
CITY OF DUNSMUIR, et al.

RE: *Wilde v. City of Dunsmuir, et al.*  
Siskiyou County Superior Court Case No. SCCVPT 16-549  
Court of Appeal Case No. C082664  
Supreme Court Case No. S252915

PROOF OF SERVICE

I am employed in the County of Shasta, State of California, I am over the age of eighteen years and not a party to the foregoing action, my business address is 1923 Court Street, Redding, California 96001. On the date set forth below, I served the within **MOTION FOR JUDICIAL NOTICE** on all parties in said action in the manner and/or manners described below and addressed as follows:

Timothy A. Bittle  
Howard Jarvis Taxpayers Foundation  
921 Eleventh Street, Suite 1201  
Sacramento, CA 95814  
*Attorneys for Appellant Leslie T. Wilde*

Clerk/Executive Officer (Mail)  
California Court of Appeal  
Third Appellate District  
914 Capitol Mall, 4th Floor  
Sacramento, CA 95814

Michael G. Colantuono (Courtesy Copy)  
Colantuono Highsmith & Whatley PC  
420 Sierra College Drive, Suite 140  
Grass Valley, CA 95945

Clerk of the Court, Civil Division (Mail)  
Siskiyou County Superior Court  
311 4th Street  
Yreka, CA 96097

- BY MAIL:** By placing a true copy thereof enclosed in a sealed envelope and causing such envelope(s) to be deposited in the mail at my business address, addressed to the addressee(s) designated. I am familiar with this firm's practice whereby the mail, after being placed in a designated area, is given the appropriate postage and is deposited in a U.S. mail box after the close of the day's business.
- BY ELECTRONIC FILING:** By transmitting via the electronic filing system, TrueFiling, the document(s) listed above to the addressee(s) designated.
- BY HAND DELIVERY:** I caused envelope(s) to be delivered by hand to the addressee(s) designated.
- BY EXPRESS MAIL:** I caused such envelope(s) to be sent by overnight mail pursuant to CCP §1013, with all fees prepaid, addressed to the addressee(s) designated.

I declare under penalty of perjury that the foregoing is true and correct.  
Executed on February 28, 2019, at Redding, California.

  
TAMARA WARREN