

# Supreme Court Copy

S183372

IN THE SUPREME COURT  
OF THE STATE OF CALIFORNIA

SUPREME COURT  
**FILED**

JAN - 5 2011

Frederick K. Ohlrich Clerk

PORFIRIO SERRANO, et al., )  
Plaintiffs and Appellants, )  
v. )  
STEFAN MERLI PLASTERING )  
COMPANY, INC., et al., )  
Defendants. )

S183372

Appeal No. B216837  
Los Angeles Superior  
Court No. BC324031

Deputy

COAST COURT REPORTERS, INC., )  
Real Party in Interest, Respondent. )

**RESPONDENT'S REQUEST FOR JUDICIAL NOTICE  
OF LEGISLATIVE HISTORY**

On Appeal from the Judgment of the Superior Court  
of the State of California, County of Los Angeles  
Hon. Aurelio Munoz, Judge

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**1. Judicial Notice of the Legislative History Documents Is Proper.**

Respondent hereby requests this Court take judicial notice of the Legislative History documents of which the Court of Appeal took judicial notice and which are, therefore, included in the record on appeal. The Legislative History is relevant to assist in determining if the action at issue is the type of proceeding which the Legislature intended as appropriate for “private attorney general” fees.

This Court recently reaffirmed these documents are properly the subject of judicial notice. (*Whitley v. Maldonado* (2010) 50 Cal.4th 1206, 1218, fn. 3; see also *Post v. Pratt* (1979) 90 Cal.App.3d 626, 634; *Commodore Home Systems, Inc. v. Superior Court* (1982) 32 Cal.3d 211, 218-219.) “[R]eports of legislative committees and commissions are part of a statute's legislative history....” (*Hutnick v. United States Fidelity & Guaranty Co.* (1988) 47 Cal.3d 456, 465 fn. 7.)

In ascertaining legislative intent, “[s]tatements from the sponsor of legislation may be instructive [citation], as are legislative committee reports on the proposed legislation [citation.]”

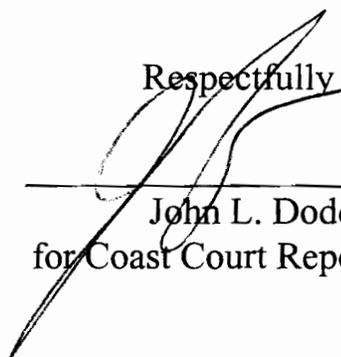
(*Quartermain v. Kefauver* (1997) 55 Cal.App.4th 1366; see also

*White v. Ultramar, Inc.* (1999) 21 Cal.4th 563, 572, fn. 3; *People v. Snyder* (2000) 22 Cal.4th 304, 309.) “The statements of the sponsor of legislation are entitled to be considered in determining the import of the legislation.” (*Kern v. County of Imperial* (1990) 226 Cal.App.3d 391, 401.) Specifically, communications from the State Bar are relevant as well. (*Mejia v. Reed* (2003) 31 Cal.4th 657, 667.)

Additionally, the evolution of a statute is relevant to understanding Legislative Intent (*People v. Goodlow* (1995) 37 Cal.App.4th 485, 491), as is testimony in Legislative hearings. (*Lantzy v. Centex Homes* (2003) 31 Cal.4th 363, 376.) Finally, the governor’s signing statement is also relevant. (*People v. Tanner* (1979) 24 Cal.3d 514, 543; *People v. Ledesma* (1997) 16 Cal.4th 90, 98, 100.)

Therefore, all the material supplied as exhibits to this request are properly the subject of judicial notice, which should be granted to facilitate resolution of this case.

Dated: December 22, 2010

Respectfully submitted,  
  
\_\_\_\_\_  
John L. Dodd, counsel  
for Coast Court Reporters, Inc.

**PROOF OF SERVICE**

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action; my business address is: 17621 Irvine Blvd., Ste. 200, Tustin, CA 92670.

On December 22, 2010, I served the foregoing document described as **RESPONDENT'S REQUEST FOR JUDICIAL NOTICE OF LEGISLATIVE HISTORY** on the parties to this action.

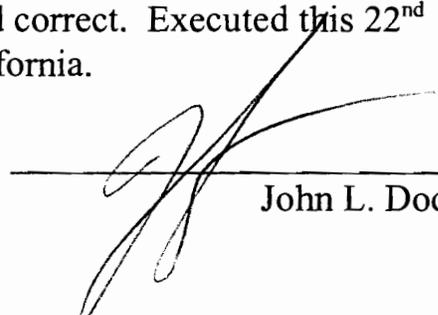
- ( ) by placing true copies thereof enclosed in sealed envelopes addressed as stated on the attached mailing list:
- (x) by placing ( ) the original (x) a true copy thereof enclosed in sealed envelopes addressed as follows:

Edward Idell, Esq.  
Law Offices of David B. Bloom  
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- (x) **BY FIRST-CLASS MAIL**
  - (x) I deposited such envelope in the mail at Tustin, California. The envelope was mailed with postage thereon fully prepaid.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 22<sup>nd</sup> day of December, 2010, at Tustin, California.

  
\_\_\_\_\_  
John L. Dodd

