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10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12

13 SAUSALITO/MARIN COUNTY CHAPTER  
OF THE CALIFORNIA HOMELESS UNION,  
14 on behalf of itself and those it represents;  
ROBBIE POWELSON; SHERI I. RILEY;  
15 ARTHUR BRUCE; MELANIE MUASOU;  
SUNNY JEAN YOW; NAOMI  
16 MONTEMAYOR; MARK JEFF; MIKE  
17 NORTH; JACKIE CUTLER and MICHAEL  
ARNOLD on behalf of themselves and  
18 similarly situated homeless persons,

19 Plaintiffs,

20 v.

21 CITY OF SAUSALITO; MAYOR JILL  
22 JAMES HOFFMAN; POLICE CHIEF JOHN  
ROHRBACHER; CITY MANAGER  
23 MARCIA RAINES; DEPT. OF PUBLIC  
WORKS SUPERVISOR KENT BASSO,  
24 individually and in their respective official  
25 capacities,

26 Defendants.  
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CASE NO. 3:21-cv-01143-LB

**REQUEST FOR JUDICIAL NOTICE IN  
SUPPORT OF DEFENDANTS' OPPOSITION  
TO *EX PARTE* APPLICATION FOR  
TEMPORARY RESTRAINING ORDER AND  
PRELIMINARY INJUNCTION**

Date: T.B.D.  
Time: T.B.D.  
Courtroom: T.B.D.

Action Filed: February 16, 2021  
Trial Date: T.B.D.  
Judge: Magistrate Judge Laurel Beeler

1 Defendants hereby request that the Court take judicial notice and/or accept the authenticity  
2 of the following publicly available documents:

- 3 • Order Granting Plaintiff’s Application for Preliminary Injunction for the case *Santa Cruz*  
4 *Homeless Union, et al. vs. Martin Bernal, et al.*, Case No. 20-cv-09425-SVK, issued  
5 January 20, 2021 in the United States District Court, Northern District of California. This  
6 document is attached to the City’s Index as Exhibit 12 and is a publicly accessible  
7 document. Defendants’ counsel obtained this document through PACER.
- 8 • Interim Guidance on Unsheltered Homelessness and Coronavirus Disease 2019 (COVID-  
9 19) for Homeless Service Providers and Local Officials, last updated August 6, 2020. This  
10 document is attached to the City’s Index as Exhibit 13 and is publicly accessible guidance  
11 from the Centers for Disease Control and Prevention (“CDC”). Defendants’ counsel  
12 obtained this document via the CDC’s website at [https://www.cdc.gov/coronavirus/2019-](https://www.cdc.gov/coronavirus/2019-ncov/community/homeless-shelters/unsheltered-homelessness.html)  
13 [ncov/community/homeless-shelters/unsheltered-homelessness.html](https://www.cdc.gov/coronavirus/2019-ncov/community/homeless-shelters/unsheltered-homelessness.html).
- 14 • Marysville Administrative Code, § 9.65, Camping and Storage of Personal Property on  
15 Private and Public Property, current through legislation passed November 3, 2020. This  
16 document is attached to the City’s Index as Exhibit 14 and is a publicly accessible  
17 document from the City of Marysville. Defendants’ counsel obtained this document via a  
18 link on the official website of the City of Marysville to the Marysville Administrative  
19 Code on [codepublishing.com](http://codepublishing.com). The applicable section of the code, § 9.65, is available at  
20 [https://www.codepublishing.com/CA/Marysville/#!/MarysvilleCA09/MarysvilleCA0965.h](https://www.codepublishing.com/CA/Marysville/#!/MarysvilleCA09/MarysvilleCA0965.html)  
21 [tml](https://www.codepublishing.com/CA/Marysville/#!/MarysvilleCA09/MarysvilleCA0965.html).
- 22 • Sacramento City Code, § 12.52, Camping, effective January 14, 2021. This document is  
23 attached to the City’s Index as Exhibit 15 and is a publicly accessible document from the  
24 City of Sacramento. Defendants’ counsel obtained this document via a link on the official  
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1 website of the City of Sacramento to the Sacramento City Code on qcode.us. The  
2 applicable section of the code, § 12.52, is available at

3 [https://www.qcode.us/codes/sacramento/view.php?topic=12-12\\_52&showAll=1](https://www.qcode.us/codes/sacramento/view.php?topic=12-12_52&showAll=1).

- 4 • Woodland Municipal Code, § 9.50, Encampments within the City Limits, current through  
5 the September 2020 code supplement. This document is attached to the City’s Index as  
6 Exhibit 16 and is a publicly accessible document from the City of Woodland. Defendants’  
7 counsel obtained this document via a link on the official website of the City of Woodland  
8 to the Woodland Municipal Code on qcode.us. The applicable section of the code, § 9.50,  
9 is available at [http://qcode.us/codes/woodland/view.php?topic=9-9\\_50&showAll=1](http://qcode.us/codes/woodland/view.php?topic=9-9_50&showAll=1).

- 11 • Yuba City Municipal Code, § 23, Camping and Storage of Personal Property on Private  
12 and Public Property, last updated April 10, 2020. This document is attached to the City’s  
13 Index as Exhibit 17 and is a publicly accessible document from the City of Yuba City.  
14 Defendants’ counsel obtained this document via a link on the official website of the City of  
15 Yuba City to the Yuba City Municipal Code on [library.municode.com](http://library.municode.com). The applicable  
16 section of the code, § 23, is available at  
17 [https://library.municode.com/ca/yuba\\_city/codes/code\\_of\\_ordinances?nodeId=TIT5PUWE](https://library.municode.com/ca/yuba_city/codes/code_of_ordinances?nodeId=TIT5PUWE)  
18 [MOCO\\_CH23CASTPEPRPRPUPR\\_S5.23.050UNCA](https://library.municode.com/ca/yuba_city/codes/code_of_ordinances?nodeId=TIT5PUWE).

21 “A judicially noticed fact must be one not subject to reasonable dispute in that it is either  
22 (1) generally known within the territorial jurisdiction of the trial court or (2) capable of accurate  
23 and ready determination by resort to sources whose accuracy cannot reasonably be questioned.”  
24 FED. R. EVID. 201(b). If requested by a party and supplied with the necessary information, a  
25 court shall take judicial notice of the fact. FED. R. EVID. 201(d). Courts may take judicial notice  
26 of the official acts of the legislative, judicial and executive departments of any public entity in the  
27 United States pursuant to Rule 201 of the Federal Rules of Evidence. *San Francisco Baykeeper v.*  
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1 *W. Bay Sanitary Dist.*, 791 F. Supp. 2d 719, 732 (N.D. Cal. 2011). Courts in this circuit regularly  
2 take judicial notice of material contained on government agency websites. *See, e.g., Daniels-Hall*  
3 *v. Nat'l Educ. Ass'n*, 629 F.3d 992, 998-99 (9th Cir. 2010); *Buffin v. City and Cty. of San*  
4 *Francisco*, No. 15-cv-04959-YGR, 2019 U.S. Dist. LEXIS 34253, 2019 WL 1017537, at \*10 n.29  
5 (N.D. Cal. Mar. 4, 2019); *Rollins v. Dignity Health*, 338 F. Supp. 3d 1025, 1032 (N.D. Cal. 2018)  
6 ([B]ecause of their perceived reliability, courts have often admitted records taken from websites  
7 maintained by government agencies.").

9 Exhibit 12 (the Order Granting Plaintiff's Application for Preliminary Injunction for the  
10 case *Santa Cruz Homeless Union, et al. vs. Martin Bernal, et al.*) is a publicly available official  
11 court decision from the United States District Court, Northern District of California and is  
12 therefore properly subject to judicial notice.

13 Exhibit 13 (the CDC's Interim Guidance on Unsheltered Homelessness and Coronavirus  
14 Disease 2019 (COVID-19) for Homeless Service Providers and Local Officials) is a publicly  
15 available document issued by the CDC. It is indisputable that the CDC is a federal agency  
16 managed by the Department of Health and Human Services. Further, the document is capable of  
17 verification on the CDC's official website, is not reasonably subject to dispute and is capable of  
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19 Exhibit 14 (Marysville Administrative Code, § 9.65) is a publicly available document  
20 issued by the City of Marysville. It is indisputable that the City of Marysville is a municipal  
21 corporation of the State of California. Further, the document is capable of verification via link on  
22 the City of Marysville's official website to the Marysville Administrative Code, is not reasonably  
23 subject to dispute and is capable of immediate and accurate determination by resort to sources of  
24 reasonably indisputable accuracy.

25 Exhibit 15 (Sacramento City Code, § 12.52) is a publicly available document issued by the  
26 City of Sacramento. It is indisputable that the City of Sacramento is a municipal corporation of the  
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1 State of California. Further, the document is capable of verification via link on the City of  
2 Sacramento’s official website to the Sacramento City Code, is not reasonably subject to dispute  
3 and is capable of immediate and accurate determination by resort to sources of reasonably  
4 indisputable accuracy.

5           Exhibit 16 (Woodland Municipal Code, § 9.50) is a publicly available document issued by  
6 the City of Woodland. It is indisputable that the City of Woodland is a municipal corporation of  
7 the State of California. Further, the document is capable of verification via link on the City of  
8 Woodland’s official website to the Woodland Municipal Code, is not reasonably subject to dispute  
9 and is capable of immediate and accurate determination by resort to sources of reasonably  
10 indisputable accuracy.

11           Exhibit 17 (Yuba City Municipal Code § 23) is a publicly available document issued by  
12 the City of Yuba City. It is indisputable that the City of Yuba City is a municipal corporation of  
13 the State of California. Further, the document is capable of verification via link on the City of  
14 Yuba City’s official website to the Yuba City Municipal Code, is not reasonably subject to dispute  
15 and is capable of immediate and accurate determination by resort to sources of reasonably  
16 indisputable accuracy.  
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