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12  
13 UNITED STATES DISTRICT COURT  
14 NORTHERN DISTRICT OF CALIFORNIA

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

21 Plaintiffs,

22 v.

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

28 Defendants.

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

**REQUEST FOR JUDICIAL NOTICE IN  
SUPPORT OF DEFENDANTS' MOTION TO  
MODIFY PRELIMINARY INJUNCTION**

Date: April 29, 2021  
Time: 1:30 p.m.  
Courtroom: 5 – 17<sup>th</sup> Floor

Action Filed: February 16, 2021  
Trial Date: T.B.D.  
Judge: Hon. Judge Edward M. Chen

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

- 3 • State Metrics for Marin County, last updated April 6, 2021. This document is attached to  
4 the City’s Index of Exhibits as **Exhibit 12** and is publicly accessible information from  
5 Marin Health and Human Services (“Marin HHS”), a department in the County of Marin.  
6 Defendants’ counsel obtained this document via Marin HHS’s website at:  
7 <https://coronavirus.marinhhs.org/progress>.  
8
- 9 • Marin Progresses from Red Tier to Orange, news release published March 23, 2021. This  
10 document is attached to the City’s Index of Exhibits as **Exhibit 13** and is a publicly  
11 accessible document published by the County of Marin. Defendants’ counsel obtained this  
12 document via the official website of the County of Marin. The news release is available at:  
13 [https://www.marincounty.org/main/county-press-releases/press-releases/2021/hhs-covid-](https://www.marincounty.org/main/county-press-releases/press-releases/2021/hhs-covid-orange-032321?p=1)  
14 [orange-032321?p=1](https://www.marincounty.org/main/county-press-releases/press-releases/2021/hhs-covid-orange-032321?p=1).  
15
- 16 • Marin County COVID-19 Vaccinations, from April 8, 2021. This document is attached to  
17 the City’s Index of Exhibits as **Exhibit 14** and is a publicly accessible document from  
18 Marin HHS, a department in the County of Marin, addressing the COVID-19 vaccine  
19 distribution and inventory in Marin County. Defendants’ counsel obtained the information  
20 via the official website of Marin HHS. The information is updated at:  
21 <https://coronavirus.marinhhs.org/vaccine/data>.  
22

23 “A judicially noticed fact must be one not subject to reasonable dispute in that it is either  
24 (1) generally known within the territorial jurisdiction of the trial court or (2) capable of accurate  
25 and ready determination by resort to sources whose accuracy cannot reasonably be questioned.”

26 FED. R. EVID. 201(b). If requested by a party and supplied with the necessary information, a  
27 court shall take judicial notice of the fact. FED. R. EVID. 201(d). Courts may take judicial notice  
28

1 of the official acts of the legislative, judicial and executive departments of any public entity in the  
2 United States pursuant to Rule 201 of the Federal Rules of Evidence. *San Francisco Baykeeper v.*  
3 *W. Bay Sanitary Dist.*, 791 F. Supp. 2d 719, 732 (N.D. Cal. 2011). Courts in this circuit regularly  
4 take judicial notice of material contained on government agency websites. *See, e.g., Daniels-Hall*  
5 *v. Nat'l Educ. Ass'n*, 629 F.3d 992, 998-99 (9th Cir. 2010); *Buffin v. City and Cty. of San*  
6 *Francisco*, No. 15-cv-04959-YGR, 2019 U.S. Dist. LEXIS 34253, 2019 WL 1017537, at \*10 n.29  
7 (N.D. Cal. Mar. 4, 2019); *Rollins v. Dignity Health*, 338 F. Supp. 3d 1025, 1032 (N.D. Cal. 2018)  
8 ([B]ecause of their perceived reliability, courts have often admitted records taken from websites  
9 maintained by government agencies.").

11 **Exhibit 12** (State Metrics for Marin County) is a publicly available document issued by  
12 Marin HHS. It is indisputable that Marin HHS is a department in the County of Marin. Further, the  
13 document is capable of verification on the official website of Marin HHS, is not reasonably  
14 subject to dispute and is capable of immediate and accurate determination by resort to sources of  
15 reasonably indisputable accuracy.

17 **Exhibit 13** (Marin Progresses from Red Tier to Orange) is a publicly available document  
18 issued by the County of Marin. It is indisputable that the County of Marin is a county in the State  
19 of California. Further, the document is capable of verification on the County of Marin's official  
20 website, is not reasonably subject to dispute and is capable of immediate and accurate  
21 determination by resort to sources of reasonably indisputable accuracy.

23 **Exhibit 14** (Marin County COVID-19 Vaccinations) is a publicly available document  
24 issued by Marin HHS. It is indisputable that Marin HHS is a department in the County of Marin.  
25 Further, the document is capable of verification on the official website of Marin HHS, is not  
26 reasonably subject to dispute and is capable of immediate and accurate determination by resort to  
27 sources of reasonably indisputable accuracy.

