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CARL A. BURTON, and ADAM C. ABRAHMS
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15 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

16 **COUNTY OF SACRAMENTO**

17 THOMAS G. DEL BECCARO, MARK A.) Case No. 06AS04494
PRUNER, DAVID B. PRINCE, CARL A.)
18 BURTON, and ADAM C. ABRAHMS,) **PLAINTIFFS' SUPPLEMENT TO**
) **REQUEST FOR JUDICIAL NOTICE IN**
19 Plaintiffs and Contestants,) **SUPPORT OF REPLY (1) TO**
) **OPPOSITION BY EDMUND GERALD**
20 vs.) **"JERRY" BROWN JR., AND (2) TO**
) **OPPOSITION BY THE CONTROLLER**
21 EDMUND GERALD "JERRY" BROWN) **AND OFFICE OF THE ATTORNEY**
JR., an individual and Attorney General of) **GENERAL, TO THE ELECTION**
22 the State of California; et al.,) **CONTEST AND FIRST AMENDED**
) **COMPLAINT**
23 Defendants.)
) Date: February 9, 2007
24) Time: 1:30 p.m.
) Dept.: 11
25) Judge: Honorable Gail D. Ohanesian

1 Pursuant to California Evidence Code section 452, subdivision (c), and 453, and in
2 supplement to their prior Request for Judicial Notice, Plaintiffs THOMAS G. DEL
3 BECCARO, MARK A. PRUNER, DAVID B. PRINCE, CARL A. BURTON and ADAM C.
4 ARBAHMS request the Court take judicial notice of the following true and correct copies of
5 official governmental documents:¹

- 6 1. California Legislature, Constitution Revision Commission, letter dated April 22,
7 1966 form Richard Patsey, Special Counsel, to Members of the Constitution
8 Revision Commission (five pages). A copy of this governmental record is attached
9 hereto as Exhibit "A", as obtained by counsel for Contestants from Legislative
10 Intent Service ("LIS") of Woodland, California. The document is described and
11 indicated, under penalty of perjury to be a true and correct copy in the declaration
12 of Maria A. Sanders filed with this court on January 17, 2007 a copy of which is
13 attached hereto as Exhibit "B" and incorporated herein by this reference. Within
14 the declaration of Ms. Sanders, the document is contained within LIS-7 and
15 identified as A-38 to A-42.

16 This supplemental request for judicial notice is based upon the declaration of Maria A.
17 Sanders filed January 17, 2007 and upon the supporting memorandum of points and
18 authorities.

19 Dated: February 2, 2007.

Thomas G. Del Beccaro
Mark A. Pruner
Michael J. Schroeder

22 By: _____
23 Mark A. Pruner
Attorneys for Plaintiffs and Contestants

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¹ The document attached hereto is a true and correct copy, but contains an overprinted logo of the "Legislative Intent Service" and "LIS" reference number.

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MEMORANDUM OF POINTS AND AUTHORITIES

Pursuant to Evidence Code sections 452, subdivision (c) a court has the discretion to take judicial notice of “official acts of the legislative, executive, and judicial departments of the United States and of any state of the United States”, including the State of California. The exhibit attached hereto is an official act of the California Legislation of the state of California.

Pursuant to Evidence Code section 453, a court is required to take judicial notice of official acts so long as any adverse party is provided adequate notice of the request through the pleadings or otherwise, and the court is provided sufficient information to take judicial notice of the matter.

Documents provided by LIS have consistently been utilized by the courts of this state, including the California Supreme Court, and LIS has often been cited as the source of documents in published opinions. (See, e.g. *People v. Sanchez* (2001) 24 Cal.4th 983, 992, fn. 4, *People v. Brown* (1963) 6 Cal. 4th 322, 334; *People v. Connor* (2004) 115 Cal.App 4th 669, 681 fn. 3.) Additionally, the declaration of a LIS attorney to the effect that the copies provided are true and correct copies of the originals is sufficient to authenticate the materials. (*People v. Connor, supra*, 115 Cal.App.4th at p. 681, *Whaley v. Sony Computer America, Inc.* (2004) 121 Cal.App. 4th 479, 487.)

CONCLUSION

For the foregoing reasons, Contestants respectfully request that this Court take judicial notice of Exhibit “A” attached hereto.

Dated: February 2, 2007.

Respectfully Submitted,

Thomas G. Del Beccaro
Mark A. Pruner
Michael J. Schroeder

By: _____
Mark A. Pruner
Attorneys for Plaintiffs and Contestants