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11 Attorneys for Petitioner  
Turn Down the Lights  
12

13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
14 **COUNTY OF MONTEREY**

15 **TURN DOWN THE LIGHTS,**  
16  
17 Petitioner,  
18  
19 **CITY OF MONTEREY,**  
20  
21 Respondent.

Case No. M116731

**Declaration of Molly Erickson  
in Support of  
Request for Judicial Notice**

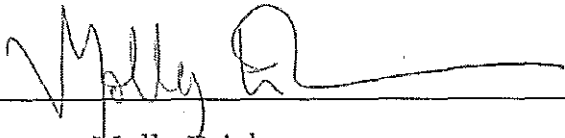
Hon. Lydia M. Villarreal

22 I, Molly Erickson, declare as follows.

23 1. I am an attorney at law duly licensed to practice in the State of  
24 California. I am an attorney with STAMP | ERICKSON, attorneys of record for  
25 petitioner Turn Down the Lights. The facts and matters stated in this declaration  
26 are true of my own personal knowledge, and if called as a witness I could and  
27 would testify competently thereto.  
28

1           2.     On September 6, 2016, my paralegal under my direction went to the  
2 City of Monterey library to view the archived Monterey County Herald  
3 newspapers. She printed the newspaper pages shown in Exhibits A and B to the  
4 from the archived Herald newspapers on microfilm. Exhibits A and B are copies  
5 of notices published by the City of Monterey for items on the November 2011 and  
6 December 2011 Council meeting agendas. I added the arrows.

7           I declare under penalty of perjury under the laws of the State of California  
8 that the foregoing is true and correct and that this Declaration was executed this  
9 12th day of September, 2016, in Monterey, California.

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11   
12 Molly Erickson

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Turn Down the Lights  
12

13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
14 **COUNTY OF MONTEREY**

15 TURN DOWN THE LIGHTS,

16 Petitioner, ,

17 v.

18 CITY OF MONTEREY,

19 Respondent.  
20 \_\_\_\_\_/

Case No. M116731

**Request for Judicial Notice  
in Support of Petitioner's  
Supplemental Brief in Support of  
Petition for Writ of Mandamus**

Hon. Lydia M. Villarreal

21  
22  
23 Petitioner Turn Down the Lights respectfully requests this Court pursuant  
24 to Evidence Code sections 452, 453, and 459 to take judicial notice of the  
25 following records and the contents thereof. The records are attached as exhibits A  
26 and B to this request.  
27  
28

ELECTRONICALLY FILED BY  
Superior Court of California,  
County of Monterey  
On 9/12/2016 4:56:49 PM  
By: Melanie Oliverrez, Deputy

1 **A. Exhibit A: Published notice of a "Public Appearance" item in the**  
2 **Monterey County Herald for the November 1, 2011 Council meeting.**

3 Exhibit A is an excerpt from the October 22, 2011 Monterey County Herald  
4 newspaper (Erickson Decl, ¶ 2). Exhibit A is page B10, the "Legal Notice" section.  
5 Exhibit A is relevant to the supplemental briefing ordered by this Court because it  
6 shows a legal notice published in the newspaper for a "Public Appearance" item  
7 on the November 1, 2011 City Council meeting agenda. Exhibit A shows the City  
8 of Monterey provided published notice of this "Public Appearance" item on the  
9 plastic bag ordinance but did not treat the LED streetlights item on the same  
10 agenda in a consistent manner. Page 1 of Exhibit A shows the notice; page 2  
11 shows the notice in the context of the full sheet of newspaper.

12 Exhibit A is subject to judicial notice by this Court as "official acts"  
13 pursuant to Evidence Code section 452, subdivision (c) and "Facts and  
14 propositions that are not reasonably subject to dispute and are capable of  
15 immediate and accurate determination by resort to sources of reasonably  
16 indisputable accuracy" pursuant to Evidence Code section 452, subdivision (h).  
17 Exhibit A is subject to judicial notice pursuant to Evidence Code sections 452,  
18 453, and 459.

19 **B. Exhibit B: Published notice of a "Public Appearance" item in the**  
20 **Monterey County Herald for the December 6, 2011 Council meeting.**

21 Exhibit B is an excerpt from the November 26, 2011 Monterey County  
22 Herald newspaper (Erickson Decl, ¶ 2). Exhibit B is page B9, the "Legal Notice"  
23 section. Exhibit B is relevant to the supplemental briefing ordered by this Court  
24 because it shows at least two examples of a City of Monterey "Notice of Public  
25 Hearing Before the Monterey City Council" published in the newspaper at around  
26 the same time as the LED streetlights item was on the Council agenda. Page 1 of  
27 Exhibit B shows the notices; page 2 shows the notices in the context of the full  
28 sheet of newspaper.

1 Exhibit B is subject to judicial notice by this Court as "official acts"  
2 pursuant to Evidence Code section 452, subdivision (c) and "Facts and  
3 propositions that are not reasonably subject to dispute and are capable of  
4 immediate and accurate determination by resort to sources of reasonably  
5 indisputable accuracy" pursuant to Evidence Code section 452, subdivision (h).  
6 Exhibit B is subject to judicial notice pursuant to Evidence Code sections 452,  
7 453, and 459.

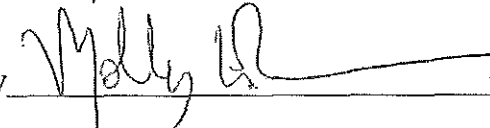
8 **Conclusion**

9 For each of the reasons stated and based on the reliance of these documents  
10 in support of Turn Down the Lights' supplemental briefing and in the interest of  
11 justice, Turn Down the Lights request the Court grant Turn Down the Lights'  
12 request for judicial notice of Exhibits A and B and the contents thereof.

13  
14 September 12, 2016

Respectfully submitted,

15 STAMP|ERICKSON

16 by 

17 Molly Erickson

18 BRANDT-HAWLEY LAW GROUP  
19 PROVENCHER & FLATT, LLP

20 Susan Brandt-Hawley  
21 Rachel Mansfield-Howlett

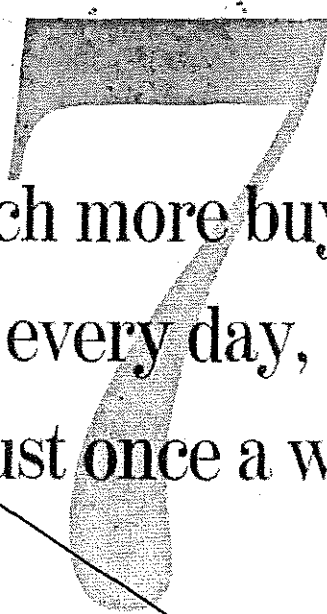
22 Attorneys for Petitioner Turn Down the Lights  
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B10 THE MONTEREY COUNTY HERALD, SATURDAY, OCTOBER 22, 2011

WWW.MONTEREYHERALD.COM

|  |   |
|--|---|
| <p><b>Sport Utility Vehicles</b></p> <p>MEY 711 01478<br/>Stock #5073 12198<br/>VIN # 4N3AC18E274674674<br/>www.montereyherald.com<br/>EE-15-216</p>   | <p><b>Automobiles</b></p> <p>MEY 08110<br/>Stock #1068 12198<br/>VIN # 4N3AC18E274674674<br/>www.montereyherald.com<br/>EE-15-216</p> <p>MEY 101 01478<br/>Stock #1068 12198<br/>VIN # 4N3AC18E274674674<br/>www.montereyherald.com<br/>EE-15-216</p> <p>MEY 08110<br/>Stock #1068 12198<br/>VIN # 4N3AC18E274674674<br/>www.montereyherald.com<br/>EE-15-216</p> <p>MEY 101 01478<br/>Stock #1068 12198<br/>VIN # 4N3AC18E274674674<br/>www.montereyherald.com<br/>EE-15-216</p> <p>MEY 101 01478<br/>Stock #1068 12198<br/>VIN # 4N3AC18E274674674<br/>www.montereyherald.com<br/>EE-15-216</p> <p>MEY 101 01478<br/>Stock #1068 12198<br/>VIN # 4N3AC18E274674674<br/>www.montereyherald.com<br/>EE-15-216</p> |
| <p><b>Custom and Classic Vehicles</b></p> <p><b>PONTIAC '79</b><br/>Trans AM. 36K orig. mi., orig. owner, fully loaded. Pristine cond. \$16,500 firm 831-625-9852</p> <p><b>PORCHE '67 911.</b><br/>orig. black plates. Unrestored COA red/black, fantastic cond. Sport seats. Tools, manuals. \$49,000. 659-1002/183-9843</p> | <p><b>Automobiles</b></p> <p>MEY 101 01478<br/>Stock #1068 12198<br/>VIN # 4N3AC18E274674674<br/>www.montereyherald.com<br/>EE-15-216</p> <p>MEY 101 01478<br/>Stock #1068 12198<br/>VIN # 4N3AC18E274674674<br/>www.montereyherald.com<br/>EE-15-216</p> <p>MEY 101 01478<br/>Stock #1068 12198<br/>VIN # 4N3AC18E274674674<br/>www.montereyherald.com<br/>EE-15-216</p> <p>MEY 101 01478<br/>Stock #1068 12198<br/>VIN # 4N3AC18E274674674<br/>www.montereyherald.com<br/>EE-15-216</p>   |

|  |                |              |
|--|----------------|--------------|
| Legal Notice   | Legal Notice   | Legal Notice |
| <b>LEGAL ADVERTISING DEADLINES</b>   |                |              |
| <b>PUBLICATION DAY DEADLINE</b>  |                |              |
| Monday   | Thursday Noon  |              |
| Tuesday  | Friday Noon    |              |
| Wednesday  | Monday Noon    |              |
| Thursday   | Tuesday Noon   |              |
| Friday   | Tuesday 4:00   |              |
| Saturday   | Wednesday Noon |              |
| Sunday   | Wednesday 4:00 |              |
| <p><small>The deadline for legal ads of larger size or complex composition will be determined on an individual basis. Expect 2-3 days in advance of regular deadline.</small></p>  |                |              |
| Legal Notice   | Legal Notice   | Legal Notice |
| <p><b>CITY OF MONTEREY, CALIFORNIA</b><br/><b>SUMMARY OF PROPOSED /</b><br/><b>FIRST READING ORDINANCE</b></p>   |                |              |
| <p>Pursuant to Government Code Section 36933 (c), the following constitutes a summary of an Ordinance to be introduced by the Monterey City Council on November 1, 2011 at its 4 p.m. meeting to be held in the City Council Chambers, at City Hall, 580 Pacific Street, Monterey, California 93940.</p> <p><b>Ban the Use of Plastic Single-use Carry-Out Bags and Prohibit the Free Distribution of Recycled Paper Bags by Retail Establishments (Negative Declaration Proposed)</b></p> <p>A certified copy of the full text of the proposed ordinance is posted and available for review in the City Clerk's Office in Room 6, City Hall, 580 Pacific Street, Monterey, CA 93940. The proposed ordinance will be posted online as part of the Council packet at <a href="http://www.monterey.org/council/agendas/agenda.html">http://www.monterey.org/council/agendas/agenda.html</a> at least 72 hours before the meeting.</p> <p>This ordinance shall be in full force and effective thirty (30) days after its adoption, and published and posted as required by law.</p> <p>_____/Bonnie L. Gawl, City Clerk<br/>Date of Publication: October 22, 2011</p> |                |              |



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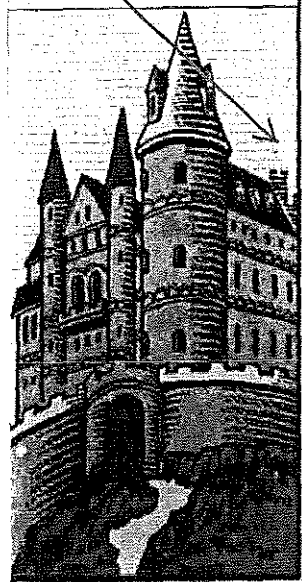


**Sewing Machines**  
Sewing Machine In Cabinet by Sears. Almost like new. \$75/cbd. 394-1173

**SEWING MACHINE**  
Singer 301 Start Needle w/cabinet \$100. B31-601-7556

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**GOLDEN RETRIEVER PUPS AKC/OF A**  
found inside broke all shots wormed incl \$500+. 415-502-1916

**NOTICE OF PUBLIC HEARING BEFORE THE MONTEREY CITY COUNCIL**  
INPUT: Clerk's office, or by appearing in person at the time and place noted above.  
CEQA: Not subject to CEQA  
ACCESS: Persons with disabilities requiring assistance in order to attend and/or participate in this meeting, contact City Clerk at 646-3935 or the TDD (telecommunications for hearing impaired) 646-3721.  
The City Council may continue a public hearing for good cause. Requests for continuance must be filed with the City Clerk by noon, Tuesday, November 29th, 2011.

/s/ Bonnie L. Gawf  
City Clerk

**CEQA: California Environmental Quality Act**  
Information distributed to the Council at the Council meeting becomes part of the public record. A copy of written material, pictures, etc. should be provided for this purpose.  
Date of Publication: November 26, 2011.

**NOTICE OF PUBLIC HEARING BEFORE THE MONTEREY CITY COUNCIL**  
DAY: Tuesday  
DATE: December 6, 2011  
TIME: 4:00 p.m.  
PLACE: Monterey City Council Chambers, Monterey, California 93940  
SUBJECT: Adopt to Ban the Use of Plastic Single-Use Carry-Out Bags and Prohibit the Free Distribution of Recycled Paper Bags by Retail Establishments (Negative Declaration Proposed)  
PUBLIC: Anyone wishing to comment may do so in writing through the City.  
INPUT: Clerk's office, or by appearing in person at the time and place noted above.  
CEQA: Not subject to CEQA  
ACCESS: Persons with disabilities requiring assistance in order to attend and/or participate in this meeting, contact City Clerk at 646-3935 or the TDD (telecommunications for hearing impaired) 646-3721.  
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Date of Publication: November 26, 2011.

**NOTICE OF PUBLIC HEARING BEFORE THE MONTEREY CITY COUNCIL**  
DAY: Tuesday  
DATE: December 6, 2011  
TIME: 4:00 p.m.  
PLACE: Monterey City Council Chambers, Monterey, California 93940  
SUBJECT: Appeal 479 Alvarado Street, Planning Commission Decision that Approved Revisions to Conditions of Approval, Applicant City of Monterey, Applicant Anthony Buich; C-3 Zoning District; Exempt from CEQA Requirements.  
PUBLIC: Anyone wishing to comment may do so in writing through the City.  
INPUT: Clerk's office, or by appearing in person at the time and place noted above.  
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ACCESS: Persons with disabilities requiring assistance in order to attend and/or participate in this meeting, contact City Clerk at 646-3935 or the TDD (telecommunications for hearing impaired) 646-3721.  
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Information distributed to the Council at the Council meeting becomes part of the public record. A copy of written material, pictures, etc. should be provided for this purpose.  
Date of Publication: November 26, 2011.

Bond No. 5557632

Published: NOV. 19, 26, DEC. 2, 9, 2011

**CROSSWORD**  
By THOMAS JOSEPH

- ACROSS**
- 40 Brings up
  - 1 Kill
  - 6 Some hits
  - 11 Continue
  - 12 Minor, in law
  - 13 Sports spot
  - 14 Egypt's
  - 15 Edit
  - 17 Wallet bill
  - 18 Luggage
  - 19 Suffer
  - 22 Pub supply
  - 23 Inflicts
  - 24 Rock unit
  - 25 Allah worshipper
  - 27 Porch sight
  - 30 Part of a baseball count
  - 31 Enzyme ending
  - 32 Table part
  - 33 Meager
  - 35 On (ram-paging)
  - 38 Starry hunter
  - 39 Boring movie
- DOWN**
- 1 Rival of Athens
  - 2 Breakfast choice
  - 3 Anxious
  - 4 Casserole staple
  - 5 Shuttle outing
  - 6 Relaxing site
  - 7 Writer
  - 8 Busy hot spot
  - 9 Grands. e.g.
  - 10 Scatter
  - 16 Dawdles
  - 20 Football, for one
  - 21 Manx, for one
  - 24 Vegas set show
  - 25 Eur. hot spot matter
  - 26 Incite
  - 27 Belle and Shriver
  - 28 Classify
  - 29 Wee
  - 30 Part of a URL
  - 34 District
  - 36 Bible boat
  - 37 Legal matter

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**Yesterday's answer**

- 1 Rival of Athens
- 2 Breakfast choice
- 3 Anxious
- 4 Casserole staple
- 5 Shuttle outing
- 6 Relaxing site
- 7 Writer
- 8 Busy hot spot
- 9 Grands. e.g.
- 10 Scatter
- 16 Dawdles
- 20 Football, for one
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- 24 Vegas set show
- 25 Eur. hot spot matter
- 26 Incite
- 27 Belle and Shriver
- 28 Classify
- 29 Wee
- 30 Part of a URL
- 34 District
- 36 Bible boat
- 37 Legal matter

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**RES AND TOWNS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.** From information which the Trustee deems reliable, but for which Trustee makes no representation or warranty, the street address of other common designation of the above described property is purported to be VACANT LAND. Directions may be obtained by written request submitted to the beneficiary, C/O Asset Foreclosure Services, Inc. within 10 days after the first publication of this notice. Said property is being sold for the purpose of paying the obligations secured by said deed of trust, including fees and expenses of sale. The total amount of the unpaid principal balance, interest thereon, together with reasonably estimated costs, expenses and advances at the time of the initial publication of the Notice of Trustee's Sale is \$675,361.93. **WE ARE ATTEMPTING TO COLLECT A DEBT AND ANY INFORMATION WE OBTAIN WILL BE USED FOR THAT PURPOSE. SALE INFORMATION LINE: 714-710-2727 or www.fidelityasap.com** Dated: 11/19/2011 ASSET FORECLOSURE SERVICES, INC. AS TRUSTEE By: Georgina Rodriguez, Trustee Sales Officer **ASAP** 414100711/26/201112/03/201112/10/2011

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