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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 v.
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

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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.

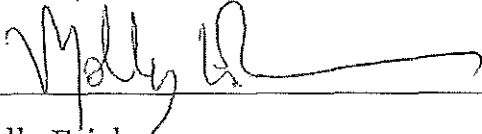
8 **Conclusion**

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

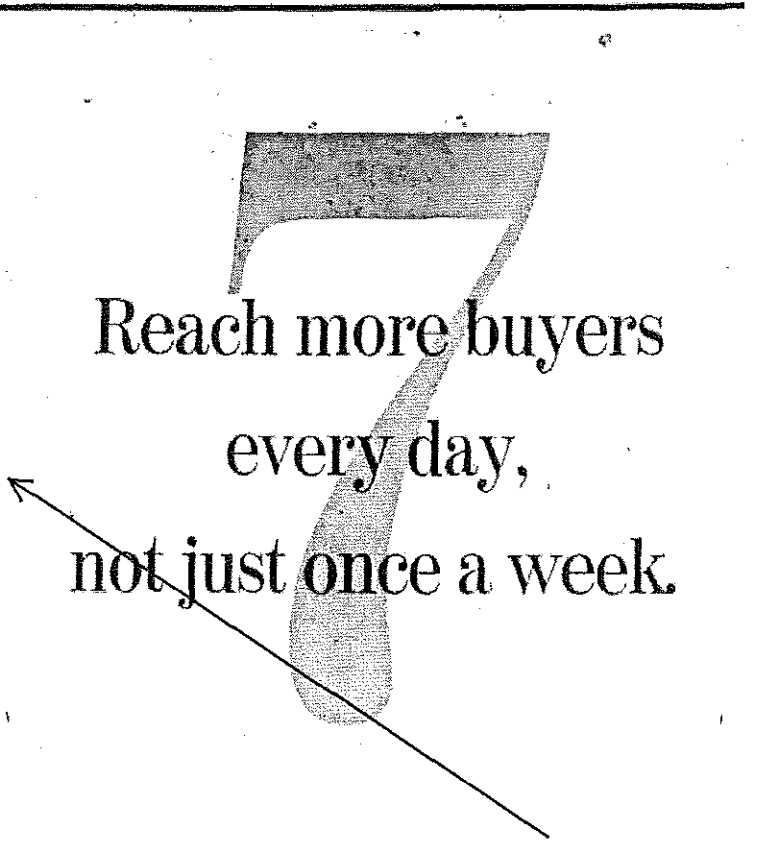
20 Susan Brandt-Hawley
21 Rachel Mansfield-Howlett

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

WWW.MONTEREYHERALD.COM

Sport Utility Vehicles MERCEDES Stock #5073 12,995 VIN #WDC13202224678 www.montereyherald.com 01-05-2011	Automobiles MBZ 08100 Stock #1008 21,995 VIN #WBA3A93000002157 www.montereyherald.com 01-05-2011	Legal Notice	Legal Notice	Legal Notice																		
Custom and Classic Vehicles  PONTIAC '79 Trans AM, 36K orig. mi., orig. owner, fully load- ed. Pristine cond.! \$16,500 firm 831-425-9852	MBZ 08100 Stock #1008 21,995 VIN #WBA3A93000002157 www.montereyherald.com 01-05-2011	<table border="1"> <thead> <tr> <th colspan="2">LEGAL ADVERTISING DEADLINES</th> </tr> <tr> <th>PUBLICATION DAY</th> <th>DEADLINE</th> </tr> </thead> <tbody> <tr> <td>Monday</td> <td>Thursday Noon</td> </tr> <tr> <td>Tuesday</td> <td>Friday Noon</td> </tr> <tr> <td>Wednesday</td> <td>Monday Noon</td> </tr> <tr> <td>Thursday</td> <td>Tuesday Noon</td> </tr> <tr> <td>Friday</td> <td>Tuesday 4:00</td> </tr> <tr> <td>Saturday</td> <td>Wednesday Noon</td> </tr> <tr> <td>Sunday</td> <td>Wednesday 4:00</td> </tr> </tbody> </table> <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 ADVERTISING DEADLINES		PUBLICATION DAY	DEADLINE	Monday	Thursday Noon	Tuesday	Friday Noon	Wednesday	Monday Noon	Thursday	Tuesday Noon	Friday	Tuesday 4:00	Saturday	Wednesday Noon	Sunday	Wednesday 4:00
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PORCHE '67 911, orig. black plates, unrestored COA red/black, fantas- tic cond.! Sport seats, Tools, man- uals. \$49,000. 659-1002/183-9843	MBZ 08100 Stock #1008 21,995 VIN #WBA3A93000002157 www.montereyherald.com 01-05-2011	Legal Notice	Legal Notice	Legal Notice																		
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BVA 08100 Stock #1008 21,995 VIN #WBA3A93000002157 www.montereyherald.com 01-05-2011	MBZ 08100 Stock #1008 21,995 VIN #WBA3A93000002157 www.montereyherald.com 01-05-2011																					



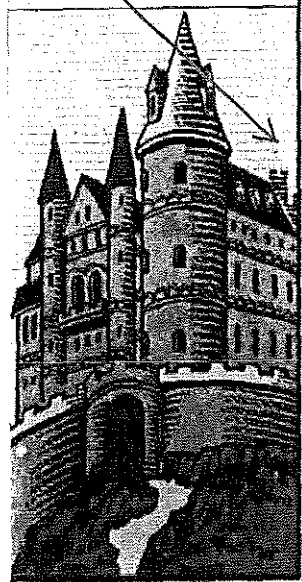
Reach more buyers
every day,
not just once a week.

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

THE MONTEREY COUNTY HERALD Classified

Find your castle...



602-558-0158
GOLDEN RETRIEVER PUPS AKC, OFA
\$900. 805-435-5868

GOLDEN RETRIEVER PUPS AKC, OFA
\$900. 805-435-5868

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

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
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

Few Memorial Hall of Records, Madison & Pacific Streets, 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.
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DAY: Tuesday
DATE: December 6, 2011
TIME: 4:00 p.m.
PLACE: Monterey City Council Chambers, Monterey, California 93940

Few Memorial Hall of Records, Madison & Pacific Streets, 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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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
 - wearers
 - 6 Some hits
 - 11 Continue
 - 12 Minor, in law
 - 13 Sports spot
 - 14 Egypt's Sadat
 - 15 Edit
 - 17 Wallet bill
 - 18 Luggage ID
 - 19 Suffer humiliation
 - 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 Deighton
 - 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
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- 6 Relaxing site
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NEW CROSSWORD BOOK! Sent \$4.75 (check or m.o.)
Thomas Joseph Book 2, P.O. Box 536475, Orlando, FL 32853-6475

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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# 4141007 11/26/2011 12/03/2011 12/10/2011

Charge It....Do you know that you can charge your classified ad?

Home, household
Bicycle
Pets, Dogs
Automotive Parts and Supplies
Sport Utility Vehicles

Auto's
Automobiles
Automobiles
Automobiles
Automobiles
Legal Notice
NOTICE OF PUBLIC HEARING BEFORE THE MONTEREY CITY COUNCIL

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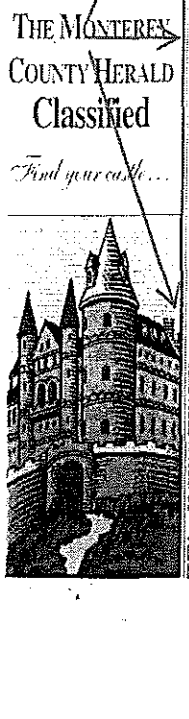
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CROSSWORD

BY THOMAS JOSEPH

ACROSS

- 40 Bungle up
41 Cast
42 Scrumptious
43 Rival of Athens
44 Egyptian's
45 Eat choice
46 Breakfast
47 Scatter
48 Casserole staple
49 Shuttle
50 Relaxing site
51 Water Deighton
52 Rock unit
53 Allah worshipper
54 Porch
55 Part of a baseball court
56 Enzyme ending
57 Table part
58 Meagur
59 On (rampaging)
60 Story hunter
61 Boring movie

- 1 Kilt
2 weathers
3 Some hits
4 Minor, in
5 law
6 Sports
7 Sadat
8 Edit
9 Waiter/bill
10 Luggage
11 Suffer
12 Pub
13 supply
14 Inflicts
15 Rock unit
16 Allah worshipper
17 Porch
18 Part of a baseball court
19 Enzyme ending
20 Table part
21 Meagur
22 On (rampaging)
23 Story hunter
24 Boring movie

- 25 A
26 B
27 C
28 D
29 E
30 F
31 G
32 H
33 I
34 J
35 K
36 L
37 M
38 N
39 O
40 P
41 Q
42 R
43 S
44 T
45 U
46 V
47 W
48 X
49 Y
50 Z

Yesterday's answer
9 Clams
10 Scatter
16 Daisies
20 Football
21 Marx, for
24 Vegas-set
25 Eur
26 hede
27 Belle and
28 Classy
29 Wee
30 Part of a
31 UHL
32 District
33 Bible
34 bout
37 Legal
38 matter

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