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EXEMPT FROM FILING FEES PURSUANT
TO GOVERNMENT CODE SECTION 6103

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF PLACER

CITY OF LINCOLN, a California municipal
corporation;
CITY OF LINCOLN, by and for the People of
the State of California,

Plaintiff/Petitioner,

v.

THE GATHERING INN, a California public
benefit non-profit corporation;
CALIFORNIA DEPARTMENT OF SOCIAL
SERVICES, a California state agency;
HORNE LLP, a Delaware limited liability
partnership; and
DOES 1 through 15 inclusive,

Defendants/Respondents.

Case No. S-CV-0053711
Related with Case No. S-CV-0053727

**REQUEST FOR JUDICIAL NOTICE IN
SUPPORT OF PLAINTIFF AND
PETITIONER CITY OF LINCOLN'S
OPPOSITION TO DEMURRERS OF
THE GATHERING INN AND
CALIFORNIA DEPARTMENT OF
SOCIAL SERVICES**

Date: October 7, 2025
Time: 8:30 a.m.
Dept.: 42
Judge Trisha J. Hirashima

Action Filed: September 30, 2024

Pursuant to Evidence Code sections 452 and 453, Plaintiff and Petitioner City of Lincoln (“City”) hereby requests that the Court take judicial notice of documents in support of the City’s Opposition to Defendant California Department of Social Services’ (“CDSS”) and The Gathering Inn’s (“TGI”) Demurrers to the Second Amended Complaint/Petition.

Specifically, the City requests the Court to take judicial notice of CDSS’s web page titled “Regulations Home Page,” as well as a link from that webpage to the “Community Care Licensing Regulations” page, which are both attached as Exhibit 1. The webpage can be found online at the following link: <https://www.cdss.ca.gov/inforesources/cdss-regulations-home-page>.

I. LEGAL AUTHORITY

A court must take judicial notice of any matter specified in Evidence Code section 452 if the noticing party provides notice and furnishes the court with the required information. (See Evid. Code, § 453; see also *Yvanova v. New Century Mortgage Corp.* (2016) 62 Cal.4th 919, 924, n.1 [judicial notice of properly noticed documents that fall under Evidence Code section 452 is mandatory].) This Court may take judicial notice of “official acts” of the California executive branch and of “facts and propositions that are not reasonably subject to dispute and are capable of immediate and accurate determination by resort to sources of reasonably indisputable accuracy.” (Evid. Code, §§ 452 (c); (h).)

II. LEGAL ARGUMENT

Courts have interpreted the term “official acts” broadly and have taken judicial notice of a wide variety of official records. (See Evid. Code, § 452, Comments of the Assembly Committee on the Judiciary [“Under this provision, the California courts have taken judicial notice of a wide variety of administrative and executive acts”].) Thus, Courts have taken judicial notice of actions taken by CDSS. (See e.g., *Scott v. County of Los Angeles* (1994) 27 Cal.App.4th 125, 145 [taking judicial notice of CDSS adopted regulations].)

The Court may take also judicial notice of websites, including public agency websites. (See e.g., *People v. Nguyen* (2013) 212 Cal.App.4th 1311, 1328 [taking judicial notice of “an undated printout of the Attorney General's Web page”]; *In re Crockett* (2008) 159 Cal.App.4th

1 751, 762 [taking judicial notice that the “[Association of Juvenile Compact Administrators] site
2 contains information on revisions to the [Interstate Compact on Juveniles] between 2000 and
3 2002 by the Council of State Governments”].) The Court may further take judicial notice “not
4 only of the fact of the document but also *facts that can be deduced*, and/or clearly derived from,
5 its legal effect, such as the names and dates contained in the document, and the legal
6 consequences of the document,” (*Julian Volunteer Fire Co. Assn. v. Julian-Cuyamaca Fire*
7 *Protection Dist.* (2021) 62 Cal.App.5th 583, 600 [emphasis added]), as well as the “the existence
8 of a document.” (*StorMedia Inc. v. Superior Court* (1999) 20 Cal.4th 449, 457, n.9.) In other
9 words, the Court may take judicial notice of the non-existence of a document listed on a web
10 page, a reasonable deduction from the existence of documents listed on a web page.

11 The web page at issue here lists the regulations that CDSS has adopted pursuant to the
12 California Administrative Procedure Act (“APA”). (See Exhibit 1.) The City requests judicial
13 notice of Exhibit 1 and the deduction that CDSS has not adopted a regulation concerning the
14 Community Care Expansion (“CCE”) Program pursuant to the APA. As Exhibit 1 demonstrates,
15 CDSS’ adopted regulations are divided into two groups, the Manual of Policies and Procedures
16 (“MMP”), and California Code of Regulations (“CCR”), Title 22, Divisions 2, 6 and 12. The
17 MPP contains regulations for multiple CDSS programs and operational procedures, but there does
18 not appear to be anything in the MPP regarding the CCE Program. CDSS’s webpage also notes
19 that CCR, Title 22, Division 2 regulations relate solely to Adoption Programs, which is not
20 applicable, while Divisions 6 and 12 relate to Community Care Licensing. The Community Care
21 Licensing link shows that there are regulations related to Child Care Centers, Residential and
22 Adult Day Care Programs, and Family Child Care Homes. A review of these regulations in Title
23 22 shows that CDSS has not enacted regulation pursuant to the APA related to the CCE Program.
24 This deduction is also a fact that is “not reasonably subject to dispute and [is] capable of
25 immediate and accurate determination by resort to sources of reasonably indisputable accuracy.”
26 (Evid. Code, § 452 (h).)

27 The City makes this request in response to CDSS’s and TGI’s Demurrer, and specifically
28 regarding the question of whether Joint Request for Applications (“RFA”) has regulatory effect,

1 even though there do not appear to be any regulations regarding the CCE Program or the Joint
2 RFA having been formally adopted pursuant to the APA. The City's legal counsel conducted an
3 internet search for "CDSS Regulations," and the result is attached hereto as Exhibit 1.

4 **III. CONCLUSION**

5 Based on the foregoing, the City respectfully requests the Court take judicial notice of
6 CDSS's web pages, attached hereto as Exhibit 1, and the reasonable deduction/not reasonably
7 disputed fact that CCE has not adopted a regulation pursuant to the APA that concerns the CCE
8 Program or the Joint RFA.

9 Dated: September 22, 2025

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14 CINDY Z. SHI
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CITY OF LINCOLN

EXHIBIT 1



Social Services

Office of Regulations Development

Office of Regulations Development (ORD) Overview:

To ensure the appropriate processing of regulations in accordance with the requirements of the California Administrative Procedures Act (APA); provide access to regulatory information to California citizens and businesses; and facilitate public participation in the Rulemaking process.

The Department's regulations are divided in two groups, the Manual of Policies and Procedures (MPP), which include all the social service programs regulations, and the California Code of Regulations (CCR), Title 22, Divisions 2, 6, and 12, which include the Adoptions Program Regulations and the Community Care Licensing Regulations. The MPP is published in-house and the CCR is published by Barclays, the state's official publisher of the California Code of Regulations. Note that Title 22, Division 15 expired on May 16, 2019.

MPP

- [Adult Protective Services Regulations](#)
- [Adult Services Regulations](#) (Social Service Standards Manual)
- [CalWORKs/CalFresh Regulations](#)
- [Child Welfare Services Regulations](#)
- [Confidentiality, Fraud, Civil Rights and State Hearings Regulations](#)
- [Deaf Access Program Regulations](#)
- [Fiscal Management and Control Regulations](#)
- [Foster Care Regulations](#)
- [Operations Manual](#)
- [Refugee Program Regulations](#)
- [Specialized Program Regulations](#)
- [Staff Development and Training Manual](#)
- [Statistical Reports Regulations](#)

CCR, Title 22

- [Adoptions Regulations](#) (Division 2)
- [Community Care Licensing Regulations](#) (Divisions 6 and 12) Note that Division 15 expired on May 16, 2019.

Regulations Documents and Manual Letters



Social Services

The MPP regulations manuals and the manual letters are available electronically on this website for public use. This website also includes the Department's version of its CCR, Title 22 regulations manuals; however, for information about obtaining the official CCR in print, please contact the State's official publisher, Barclays Official California Code of Regulations, at (800) 888-3600 or visit [Westlaw's Website](#).

The ORD does not provide advance notification regarding regulation activities; however, if you would like to be notified when rulemaking files are made available for public comment, please email us your email address and specify your request AND/OR if you would like to be notified when updates to the regulations manuals (manual letters) are made available on this website, please email us your email address and specify your request.



Subscribe to Regulations

Contact Us:

California Department of Social Services
Office of Regulations Development
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Manual Letters Notifications

Public Hearing Notifications



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Social Services

Community Care Licensing Regulations

- [Child Care](#)
- [Residential and Adult Day Programs](#)
- [Family Child Care](#)

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PROOF OF SERVICE

I, Monica Quinones, declare:

I am a citizen of the United States and employed in San Bernardino County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 2855 E. Guasti Road, Suite 400, Ontario, California 91761. On September 22, 2025, I served a copy of the within document(s):

**REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF PLAINTIFF AND PETITIONER
CITY OF LINCOLN'S OPPOSITION TO DEMURRERS OF THE GATHERING INN
AND CALIFORNIA DEPARTMENT OF SOCIAL SERVICES**

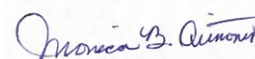
- ☐ by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.
- ☐ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, the United States mail at Ontario, California addressed as set forth below.
- ☐ by placing the document(s) listed above in a sealed ____ envelope and affixing a pre-paid air bill, and causing the envelope to be delivered to a ____ agent for delivery.
- ☐ by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.
- ☒ by transmitting via e-mail or electronic transmission the document(s) listed above to the person(s) at the e-mail address(es) set forth below.

Please see attached Service List.

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on September 22, 2025, at Ontario, California.



Monica Quinones

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