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CITY OF LINCOLN

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  
Hon. Trisha J. Hirashima

**CITY OF LINCOLN'S REQUEST FOR  
JUDICIAL NOTICE IN SUPPORT OF  
OPPOSITION TO THE GATHERING  
INN'S DEMURRER**

*[Filed concurrently with:*

- 1. Opposition to The Gathering Inn's  
Demurrer; and*
- 2. Declaration of Christopher M. Pisano].*

Date: 2/11/2025  
Time: 8:25 a.m.  
Dept.: 42  
Action Filed: September 30, 2024

**REQUEST FOR JUDICIAL NOTICE**

Pursuant to Evidence Code sections 452 and 453, Plaintiff City of Lincoln (“City”) hereby requests that the Court take judicial notice of the following documents in support of Plaintiff’s Opposition to Demurrer to Complaint for Damages:

1. Legislative history of the statutory language now codified in California Business and Professions Code, section 17204, specifically, Senate Bill 1725 of 1974. A true and correct copy of this legislative history, which was obtained from the Legislative Intent Service (“LIS”) is attached to the concurrently filed declaration of Christopher Pisano as Exhibit “1.” The authentication declaration from LIS is attached to the concurrently filed declaration of Christopher Pisano as Exhibit “2.”

**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 legislative” department of this State. (Evid. Code, § 452(c).)

**II. LEGAL ARGUMENT**

The Court may take judicial notice of the legislative history concerning the passage of California legislation as official acts of this State’s legislative department. (See *Ketchum v. Moses* (2001) 24 Cal.4th 1122, 1135 [granting judicial request on relevant items of legislative history]; *In re Donovan L.* (2016) 244 Cal.App.4th 1075, 1088 [taking judicial notice, sua sponte, “of the legislative history of Senate Bill No. 274”]; *Borikas v. Alameda Unified School Dist.* (2013) 214 Cal.App.4th 135, 141 [reflecting that the trial court took judicial notice of the legislative history of Government Code section 50079]; *Coburn v. Sievert* (2005) 133 Cal.App.4th 1483, 1498 [granting request for judicial notice of documents assembled by Legislative Intent Service].

1 The City requests that the Court to take judicial notice of the legislative history of what is  
2 now codified in the California Business and Professions Code Section 17204. This section of the  
3 Business and Professions Code was initially enacted in the Civil Code, and was passed by the  
4 Legislature as Senate Bill 1725 of 1974. The City requests judicial notice of this legislative  
5 history in response to Defendant The Gathering Inn's Demurrer, and specifically its argument  
6 regarding the scope of which public entity parties have standing to bring a claim under Business  
7 and Professions Code Section 17200. The City's legal counsel requested of LIS a search of  
8 legislative history of the specific language in Business and Professions Code that authorizes cities  
9 to initiate Business and Professions Code Section 17200 actions, and the compilation of  
10 documents attached as Exhibit "1" to the Pisano declaration is the result of that search.

11 **III. CONCLUSION**

12 Based on the foregoing, the City respectfully requests the Court take judicial notice of  
13 Exhibit "1" to the Pisano declaration.

14  
15 Dated: January 13, 2025

BEST BEST & KRIEGER LLP

16  
17 By: Christopher M. Pisano  
18 CHRISTOPHER M. PISANO  
19 PATRICIA URSEA  
20 CINDY Z. SHI  
21 Attorneys for Plaintiff/Petitioner  
22 CITY OF LINCOLN  
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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 January 13, 2025, I served a copy of the within document(s):

**CITY OF LINCOLN'S REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF THE CITY'S OPPOSITION TO THE GATHERING INN'S DEMURRER**

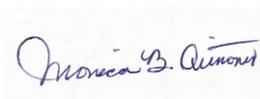
- ☐ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, the United States mail at Ontario, California addressed as set forth below.
- ☐ by placing the document(s) listed above in a sealed \_\_\_\_\_ envelope and affixing a pre-paid air bill, and causing the 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 January 13, 2025, at Ontario, California.



Monica Quinones

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