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10 SUPERIOR COURT FOR THE STATE OF CALIFORNIA

11 COUNTY OF PLACER

12 MEADOW VISTA PROTECTION,

13 Petitioner and Plaintiff,

14 v.

15 CHEVREAUX AGGREGATES, INC.;
16 COUNTY OF PLACER; COUNTY OF
17 PLACER PLANNING DEPARTMENT; and
18 DOES 1 through 50, inclusive,

19 Respondents and Defendants.

Case No: SCV 19614

Complaint Filed: 7/12/06

PLAINTIFF MEADOW VISTA
PROTECTION'S OBJECTIONS TO
DEFENDANT CHEVREAUX
AGGREGATES, INC.'S REQUEST
FOR JUDICIAL NOTICE

Date: 5/15/07

Time: 8:30 a.m.

Dept.: 4

Judge: The Hon. Charles D. Wachob

1 **Plaintiff’s Objections to Defendant’s Requests for**
2 **State Documents Pursuant to Evidence Code section 451, subdivision (a)**

3 Items One (1) through Five (5), Inclusive:

4 Plaintiff objects to defendant’s request for judicial notice as to items one (1) through five
5 (5), inclusive, on the ground that these items are irrelevant to this action and the issues raised by
6 plaintiff and are unnecessary to this Court’s determination. “Only relevant material is a proper
7 subject of judicial notice, even where the Evidence Code provides in mandatory terms that
8 matters be judicially noticed.” (*Hayward Area Planning Association v. City of Hayward* (2005)
9 128 Cal.App.4th 176, 182.)

10 Requested items one (1) through five (5), inclusive, are statutory provisions found within
11 the Surface Mining and Reclamation Act of 1975 (SMARA), codified at Public Resources Code
12 section 2710 et seq. This case presents no claims under SMARA, plaintiff raises no issues under
13 SMARA, and any reference to SMARA is entirely unnecessary to this Court’s determination.
14 (*Jones v. Lodge at Torrey Pines Partnership* (2007) 147 Cal.App.4th 475, 494 [denying various
15 requests for judicial notice because the requested items were unnecessary to the issues presented
16 in the case].)

17 The party seeking judicial notice bears the burden of providing the court with sufficient
18 information to allow the court to take judicial notice of the requested item. (*Ross v. Creel*
19 *Printing & Publishing Co.* (2002) 100 Cal.App.4th 736, 744.) Defendant offers no support for
20 taking judicial notice of these requested items, nor does defendant offer any information
21 establishing the relevancy of these items. (*Ibid.*)

22 Accordingly, plaintiff objects to these requests for judicial notice.

23 **Plaintiff’s Objections to Defendant’s Requests for**
24 **State Documents Pursuant to Evidence Code section 452, subdivision (b)**

25 Evidence Code section 452, subdivision (b), provides that a court may take judicial
26 notice of “[r]egulations and legislative enactments issued by or under the authority of the United
27 States or any public entity in the United States.”

1 Item 6:

2 A letter from the Department of Fish and Game to Joe Chevreaux is not a “regulation” or
3 “legislative enactment” and is not a proper subject of judicial notice. (Evid. Code, § 452(b);
4 Evid. Code, § 450 [providing that judicial notice may only be taken when authorized by law];
5 *Wolski v. Fremont Investment & Loan* (2005) 127 Cal.App.4th 347, 356 [refusing to take judicial
6 notice of various letters of state agency officials because there is no authority for taking judicial
7 notice of such items]; *Ross, supra*, 100 Cal.App.4th at p. 744; *Willis v. State of California* (1994)
8 22 Cal.App.4th 287, 291 [refusing to take judicial notice of a “State Agency Manual” because it
9 is not a “regulation” which has been adopted in accordance with the Administrative Procedure
10 Act]; *Stevens v. Superior Court* (1999) 75 Cal.App.4th 594, 607-608 [refusing to take judicial
11 notice of letters merely because they are in the agency’s files].)

12 The burden is on the party seeking judicial notice to provide sufficient information to
13 allow the court to take judicial notice. (*Ross, supra*, 100 Cal.App.4th at p. 744.) Defendants in
14 *Ross* requested that the court take judicial notice of a handbook used in the Clark County District
15 Attorney’s Office, claiming that it was a regulation under Evidence Code section 452,
16 subdivision (b). (*Ibid.*) Similar to defendant’s request here, the court in *Ross* noted that
17 “defendants offer no basis for this assertion.” (*Ibid.*)

18 Moreover, defendant offers no explanation or support for its assertion that the letters and
19 documents constitute anything more than “mere correspondence.” (*Allegretti & Co. v. County of*
20 *Imperial* (2006) 138 Cal.App.4th 1261, 1275 fn. 7 (*Allegretti*).)

21 Accordingly, plaintiff objects to defendant’s request for judicial notice of this letter to Joe
22 Chevreaux.

23 Item 7:

24 A letter from the Central Regional Water Quality Control Board to Joe Chevreaux is not
25 a “regulation” or “legislative enactment” and is not a proper subject of judicial notice. (Evid.
26 Code, § 452(b).) Plaintiff hereby incorporates by reference all objections made as to Item 6.

27 Item 8:

28 Minutes from a meeting of the Central Regional Water Quality Control Board are not a

1 “regulation” or “legislative enactment” and are not a proper subject of judicial notice. (Evid.
2 Code, § 452(b).) Moreover, defendant claims that the minutes are attached as Exhibit 22 to the
3 Declaration of Judy Simpson. However, Exhibit 22 to the Simpson Declaration is actually a
4 letter from the Placer County Health Department to Joe Chevreaux. A letter from the Placer
5 County Health Department to Joe Chevreaux is not a “regulation” or “legislative enactment” and
6 is not a proper subject of judicial notice. (Evid. Code, § 452(b).)

7 Plaintiff hereby incorporates by reference all objections made as to Item 6.

8 Item 9:

9 An order from the Central Regional Water Quality Control Board is not a “regulation” or
10 “legislative enactment” and is not a proper subject of judicial notice. (Evid. Code, § 452(b).)

11 Plaintiff hereby incorporates by reference all objections made as to Item 6.

12 Item 10:

13 Minutes from a meeting of the CRWQCB are not a “regulation” or “legislative
14 enactment” and are not a proper subject of judicial notice. (Evid. Code, § 452(b).) Plaintiff
15 hereby incorporates by reference all objections made as to Item 6. Additionally, the authenticity
16 of the one-page excerpted copy attached at Exhibit 34 to the Simpson Declaration is not
17 established, and Judy Simpson is not authorized nor capable of establishing any foundation or
18 authenticity of that item. Plaintiff accordingly further objects to the item on grounds that it is
19 unauthenticated and hearsay not within an exception. (*Reeves v. Safeway Stores, Inc.* (2004) 121
20 Cal.App.4th 95, 104-105 fn. 8 [refusing to take judicial notice of records where there was no
21 foundation and records were unauthenticated and inadmissible hearsay]; *Ross, supra*, 100
22 Cal.App.4th at p. 743 [refusing to take judicial notice of an uncertified copy of a complaint].)

23 Item 11:

24 An order from the CRWQCB is not a “regulation” or “legislative enactment” and is not a
25 proper subject of judicial notice. (Evid. Code, § 452(b).) Plaintiff hereby incorporates by
26 reference all objections made as to Item 6.

27 Item 12:

28 An order from the California State Water Resources Control Board is not a “regulation”

1 or “legislative enactment” and is not a proper subject of judicial notice. (Evid. Code, § 452(b).)
2 Plaintiff hereby incorporates by reference all objections made as to Item 6.

3 Item 13:

4 The Mineral Lands Classification is not a “regulation” or “legislative enactment” and is
5 not a proper subject of judicial notice. (Evid. Code, § 452(b).) Plaintiff hereby incorporates by
6 reference all objections made as to Item 6. Plaintiff also incorporates by reference all objections
7 made as to Item 10. Plaintiff further objects on the ground that Exhibit 35 to the Simpson
8 Declaration, to which defendant refers this Court as to this request, contains many documents,
9 including various letters and correspondence, which are not proper subjects of judicial notice,
10 and it is otherwise not clear what defendant requests be judicially noticed.

11 Item 14:

12 A letter from James F. Davis to Tito Patri is not a “regulation” or “legislative enactment”
13 and is not a proper subject of judicial notice. (Evid. Code, § 452(b).) Plaintiff hereby
14 incorporates by reference all objections made as to Item 6.

15 Item 15:

16 A memorandum from Rudy Strand to James F. Davis is not a “regulation” or “legislative
17 enactment” and is not a proper subject of judicial notice. (Evid. Code, § 452(b).) Plaintiff
18 hereby incorporates by reference all objections made as to Item 6. Plaintiff also incorporates by
19 reference all objections made as to Item 10 in that Simpson is not competent to lay any
20 foundation or authenticate the requested item.

21 Item 16:

22 A memorandum from Douglas W. Sprague to James F. Davis is not a “regulation” or
23 “legislative enactment” and is not a proper subject of judicial notice. (Evid. Code, § 452(b).)
24 Plaintiff hereby incorporates by reference all objections made as to Item 6. Plaintiff also
25 incorporates by reference all objections made as to Item 10 in that Simpson is not competent to
26 lay any foundation or authenticate the requested item.

27 Item 17:

28 A memorandum from James F. Davis to Douglas W. Sprague is not a “regulation” or

1 “legislative enactment” and is not a proper subject of judicial notice. (Evid. Code, § 452(b).)
2 Plaintiff hereby incorporates by reference all objections made as to Item 6. Plaintiff also
3 incorporates by reference all objections made as to Item 10 in that Simpson is not competent to
4 lay any foundation or authenticate the requested item.

5 Item 18:

6 A letter from Robert P. Mahan to the Department of Conservation is not a “regulation” or
7 “legislative enactment” and is not a proper subject of judicial notice. (Evid. Code, § 452(b).)
8 Plaintiff hereby incorporates by reference all objections made as to Item 6. Plaintiff also
9 incorporates by reference all objections made as to Item 10 in that Simpson is not competent to
10 lay any foundation or authenticate the requested item.

11 Item 19:

12 A memorandum from Dave Beeby to Douglas W. Sprague is not a “regulation” or
13 “legislative enactment” and is not a proper subject of judicial notice. (Evid. Code, § 452(b).)
14 Plaintiff hereby incorporates by reference all objections made as to Item 6. Plaintiff also
15 incorporates by reference all objections made as to Item 10 in that Simpson is not competent to
16 lay any foundation or authenticate the requested item.

17 Item 20:

18 A memorandum from Don Dupras to Dave Beeby is not a “regulation” or “legislative
19 enactment” and is not a proper subject of judicial notice. (Evid. Code, § 452(b).) Plaintiff
20 hereby incorporates by reference all objections made as to Item 6. Plaintiff also incorporates by
21 reference all objections made as to Item 10 in that Simpson is not competent to lay any
22 foundation or authenticate the requested item.

23 Item 21:

24 A letter from Joe Chevreaux to Douglas W. Sprague is not a “regulation” or “legislative
25 enactment” and is not a proper subject of judicial notice. (Evid. Code, § 452(b).) Plaintiff
26 hereby incorporates by reference all objections made as to Item 6.

27 Item 22:

28 A memorandum from Douglas W. Sprague to James F. Davis is not a “regulation” or

1 “legislative enactment” and is not a proper subject of judicial notice. (Evid. Code, § 452(b).)
2 Plaintiff hereby incorporates by reference all objections made as to Item 6. Plaintiff also
3 incorporates by reference all objections made as to Item 10 in that Simpson is not competent to
4 lay any foundation or authenticate the requested item.

5 Item 23:

6 A letter from Joe Chevreaux to Bob Sleppy is not a “regulation” or “legislative
7 enactment” and is not a proper subject of judicial notice. (Evid. Code, § 452(b).) Plaintiff
8 hereby incorporates by reference all objections made as to Item 6.

9 Item 24:

10 A letter from Joe Chevreaux to Douglas W. Sprague is not a “regulation” or “legislative
11 enactment” and is not a proper subject of judicial notice. (Evid. Code, § 452(b).) Plaintiff
12 hereby incorporates by reference all objections made as to Item 6.

13 Item 25:

14 The June 15, 1983 State of California Department of Industrial Relations Occupational
15 Safety and Health Report is not a “regulation” or “legislative enactment” and is not a proper
16 subject of judicial notice. (Evid. Code, § 452(b).) Plaintiff hereby incorporates by reference all
17 objections made as to Item 6. Plaintiff also incorporates by reference all objections made as to
18 Item 10 in that Simpson is not competent to lay any foundation or authenticate the requested
19 item.

20 Item 26:

21 A letter from Douglas W. Sprague to Robert P. Mahan is not a “regulation” or
22 “legislative enactment” and is not a proper subject of judicial notice. (Evid. Code, § 452(b).)
23 Plaintiff hereby incorporates by reference all objections made as to Item 6.

24 Item 27:

25 An order from the Central Regional Water Quality Control Board is not a “regulation” or
26 “legislative enactment” and is not a proper subject of judicial notice. (Evid. Code, § 452(b).)
27 Plaintiff hereby incorporates by reference all objections made as to Item 6. Plaintiff also
28 incorporates by reference all objections made as to Item 10 in that Simpson is not competent to

1 lay any foundation or authenticate the requested item.

2 Item 28:

3 An opinion of the Legislative Counsel is not a “regulation” or “legislative enactment”
4 and is not a proper subject of judicial notice. (Evid. Code, § 452(b).) Plaintiff hereby
5 incorporates by reference all objections made as to Item 6. Plaintiff also incorporates by
6 reference all objections made as to Item 10 in that Simpson is not competent to lay any
7 foundation or authenticate the requested item.

8 **Plaintiff’s Objections to Defendant’s Requests for**
9 **State Documents Pursuant to Evidence Code section 452, subdivision (c)**

10 Evidence Code section 452, subdivision (c), provides that a court may take judicial notice
11 of “[o]fficial acts of the legislative, executive, and judicial departments of the United States or of
12 any state of the United States.” The authorities cited by defendant in support of its requests for
13 judicial notice pursuant to subdivision (c) as to items 29 through 127, inclusive, are inapposite
14 and irrelevant and do not support defendant’s requests. (*Cooke v. Superior Court* (1989) 213
15 Cal.App.3d 401, 416, disapproved on another ground in *County of San Diego v. State of*
16 *California* (1997) 15 Cal.4th 68 [taking judicial notice of county enactment under **subdivision**
17 **(b)** of section 452]; *Marina Tenants Association v. Deauville Marina Development Co., Ltd.*
18 (1986) 181 Cal.App.3d 122, 130 [taking judicial notice of a lease agreement between private
19 parties]; *Cruz v. County of Los Angeles* (1985) 173 Cal.App.3d 1131, 133-134 [assuming only
20 for the sake of argument and ultimately refusing to take judicial notice of mailers sent from the
21 county because the mailers were not “official acts”].)

22 Item 29:

23 The agreement between Placer County Board of Supervisors and Chevreaux and
24 the letter from Road Commissioner are not “official acts” and are not proper subjects of judicial
25 notice. (Evid. Code, § 452(c); Evid. Code, § 450; *Allegretti, supra*, 138 Cal.App.4th at p. 1275
26 fn. 7.) The court in *Allegretti* explicitly rejected a request for judicial notice of similar items
27 because the requesting party offered no explanation or support for its assertion that the letters
28 and documents constituted “official acts” as opposed to “mere correspondence.” (*Ibid.*)

1 Plaintiff additionally incorporates by reference all objections made in item 6.

2 Item 30:

3 Plaintiff objects to this item on the ground that defendant has offered no assertion,
4 explanation, basis, or support establishing the relevancy of this requested item. (*Hayward Area*
5 *Planning Association, supra*, 128 Cal.App.4th at p. 182; *Ross, supra*, 100 Cal.App.4th at pp.
6 743-744.)

7 Item 31:

8 Plaintiff objects to this item on the ground that defendant has offered no assertion,
9 explanation, basis, or support establishing the relevancy of this requested item. (*Hayward Area*
10 *Planning Association, supra*, 128 Cal.App.4th at p. 182; *Ross, supra*, 100 Cal.App.4th at pp.
11 743-744.)

12 Item 32:

13 Plaintiff objects to this item on the ground that defendant has offered no assertion,
14 explanation, basis, or support establishing the relevancy of this requested item. (*Hayward Area*
15 *Planning Association, supra*, 128 Cal.App.4th at p. 182; *Ross, supra*, 100 Cal.App.4th at pp.
16 743-744.)

17 Item 33:

18 Plaintiff objects to this item on the ground that defendant has offered no assertion,
19 explanation, basis, or support establishing the relevancy of this requested item. (*Hayward Area*
20 *Planning Association, supra*, 128 Cal.App.4th at p. 182; *Ross, supra*, 100 Cal.App.4th at pp.
21 743-744.)

22 Item 34:

23 Plaintiff objects to this item on the ground that defendant has offered no assertion,
24 explanation, basis, or support establishing the relevancy of this requested item. (*Hayward Area*
25 *Planning Association, supra*, 128 Cal.App.4th at p. 182; *Ross, supra*, 100 Cal.App.4th at pp.
26 743-744.)

27 Item 35:

28 A letter from Richard Heikka to Commissioner Gibbs is not an “official act” and is

1 otherwise not a proper subject of judicial notice. (Evid. Code, § 452(c).) Plaintiff hereby
2 incorporates by reference all objections made as to items 6 and 26. Plaintiff also incorporates by
3 reference all objections made as to Item 10 in that there is no foundation laid for this item, it is
4 not certified, nor is its authenticity established in any way.

5 Item 36:

6 Plaintiff objects to this item on the ground that defendant has offered no assertion,
7 explanation, basis, or support establishing the relevancy of this requested item. (*Hayward Area*
8 *Planning Association, supra*, 128 Cal.App.4th at p. 182; *Ross, supra*, 100 Cal.App.4th at pp.
9 743-744.)

10 Item 37:

11 Plaintiff objects to this item on the ground that defendant has offered no assertion,
12 explanation, basis, or support establishing the relevancy of this requested item. (*Hayward Area*
13 *Planning Association, supra*, 128 Cal.App.4th at p. 182; *Ross, supra*, 100 Cal.App.4th at pp.
14 743-744.)

15 Item 38:

16 Plaintiff objects to this item on the ground that defendant has offered no assertion,
17 explanation, basis, or support establishing the relevancy of this requested item. (*Hayward Area*
18 *Planning Association, supra*, 128 Cal.App.4th at p. 182; *Ross, supra*, 100 Cal.App.4th at pp.
19 743-744.)

20 Item 39:

21 A letter from Richard Heikka to Joe Chevreux is not an “official act” and is otherwise
22 not a proper subject of judicial notice. (Evid. Code, § 452(c).) Plaintiff hereby incorporates by
23 reference all objections made as to items 6 and 29.

24 Item 40:

25 A letter from Richard Heikka to Joe Chevreux is not an “official act” and is otherwise
26 not a proper subject of judicial notice. (Evid. Code, § 452(c).) Plaintiff hereby incorporates by
27 reference all objections made as to items 6 and 29.

28

1 Item 41:

2 Plaintiff objects to this item on the ground that Exhibit 14 of the Simpson Declaration is
3 not what defendant declares it to be, and plaintiff cannot ascertain what it is that defendant is
4 requesting this Court judicially notice. Exhibit 14 of the Simpson Declaration is a letter to Joe
5 Chevreaux from Richard Heikka.

6 Moreover, the Meadow Vista Improvement Association Agenda is not an “official act”
7 and is otherwise not a proper subject of judicial notice. (Evid. Code, § 452(c).) Plaintiff also
8 incorporates by reference all objections made as to Item 10 in that Simpson is not competent to
9 lay any foundation or authenticate the requested item.

10 Item 42:

11 Plaintiff objects to this item on the ground that defendant has offered no assertion,
12 explanation, basis, or support establishing the relevancy of this requested item. (*Hayward Area*
13 *Planning Association, supra*, 128 Cal.App.4th at p. 182; *Ross, supra*, 100 Cal.App.4th at pp.
14 743-744.) Plaintiff also incorporates by reference all objections made as to Item 10 in that there
15 is no foundation laid for this item, it is not certified, nor is its authenticity established in any
16 way.

17 Item 43:

18 Plaintiff objects to this item on the ground that defendant has offered no assertion,
19 explanation, basis, or support establishing the relevancy of this requested item. (*Hayward Area*
20 *Planning Association, supra*, 128 Cal.App.4th at p. 182; *Ross, supra*, 100 Cal.App.4th at pp.
21 743-744.) Plaintiff also incorporates by reference all objections made as to Item 10 in that there
22 is no foundation laid for this item, it is not certified, nor is its authenticity established in any
23 way.

24 Item 44:

25 Plaintiff objects to this item on the ground that defendant has offered no assertion,
26 explanation, basis, or support establishing the relevancy of this requested item. (*Hayward Area*
27 *Planning Association, supra*, 128 Cal.App.4th at p. 182; *Ross, supra*, 100 Cal.App.4th at pp.
28 743-744.) Plaintiff also incorporates by reference all objections made as to Item 10 in that there

1 is no foundation laid for this item, it is not certified, nor is its authenticity established in any
2 way.

3
4 Item 45:

5 A letter from William E. Cramer to Joe Chevreaux is not an “official act” and is
6 otherwise not a proper subject of judicial notice. (Evid. Code, § 452(c).) Plaintiff hereby
7 incorporates by reference all objections made as to items 6 and 29.

8 Item 46:

9 Plaintiff objects to this item on the ground that defendant has offered no assertion,
10 explanation, basis, or support establishing the relevancy of this requested item. (*Hayward Area*
11 *Planning Association, supra*, 128 Cal.App.4th at p. 182; *Ross, supra*, 100 Cal.App.4th at pp.
12 743-744.)

13 Item 47:

14 Plaintiff objects to this item on the ground that defendant has offered no assertion,
15 explanation, basis, or support establishing the relevancy of this requested item. (*Hayward Area*
16 *Planning Association, supra*, 128 Cal.App.4th at p. 182; *Ross, supra*, 100 Cal.App.4th at pp.
17 743-744.) Plaintiff also incorporates by reference all objections made as to Item 10 in that there
18 is no foundation laid for this item, it is not certified, nor is its authenticity established in any
19 way.

20 Item 48:

21 A memorandum from Ray Thompson to Tom McMahan is not an “official act” and is
22 otherwise not a proper subject of judicial notice. (Evid. Code, § 452(c).) Plaintiff hereby
23 incorporates by reference all objections made as to items 6 and 29. Plaintiff also incorporates by
24 reference all objections made as to Item 10 in that Combs is not competent to lay any foundation
25 or authenticate the requested item.

26 Item 49:

27 Plaintiff objects to this item on the grounds that the excerpted minutes here requested by
28 defendant are uncertified, unauthenticated, and no foundation is laid for them. Furthermore,

1 plaintiff also objects to this item on the ground that defendant has offered no assertion,
2 explanation, basis, or support establishing the relevancy of this requested item.

3 Item 50:

4 Plaintiff objects to this item on the grounds that the item here requested by defendant is
5 uncertified, unauthenticated, and no foundation is laid for it. Furthermore, plaintiff also objects
6 to this item on the ground that defendant has offered no assertion, explanation, basis, or support
7 establishing the relevancy of this requested item.

8 Item 51:

9 A memorandum from Thomas D. McMahan to Ray Thompson to is not an “official act”
10 and is otherwise not a proper subject of judicial notice. (Evid. Code, § 452(c).) Plaintiff hereby
11 incorporates by reference all objections made as to items 6 and 29. Plaintiff also incorporates by
12 reference all objections made as to Item 10 in that Combs is not competent to lay any foundation
13 or authenticate the requested item.

14 Item 52:

15 Plaintiff objects to this item on the grounds that the item here requested by defendant is
16 uncertified, unauthenticated, and no foundation is laid for it. Furthermore, plaintiff also objects
17 to this item on the ground that defendant has offered no assertion, explanation, basis, or support
18 establishing the relevancy of this requested item.

19 Item 53:

20 Plaintiff objects to this item on the grounds that the item here requested by defendant is
21 uncertified, unauthenticated, and no foundation is laid for it. Furthermore, plaintiff also objects
22 to this item on the ground that defendant has offered no assertion, explanation, basis, or support
23 establishing the relevancy of this requested item.

24 Item 54:

25 Plaintiff objects to this item on the grounds that the item here requested by defendant is
26 uncertified, unauthenticated, and no foundation is laid for them. Furthermore, plaintiff also
27 objects to this item on the ground that defendant has offered no assertion, explanation, basis, or
28 support establishing the relevancy of this requested item.

1 Plaintiff also objects on the ground that the excerpted portions of the item which
2 defendant here requests that this Court judicially notice fail to adequately portray the entire plan
3 and whatever other terms and provisions are made therein. Because defendant has failed to
4 provide this Court and plaintiff with a complete, certified copy of the plan, both plaintiff and this
5 Court are unable to evaluate the limited provisions included here by defendant in the context of
6 the entire plan.

7 Item 55:

8 A letter from A. L. Polansky to Ron Sanders is not an “official act” and is otherwise not a
9 proper subject of judicial notice. (Evid. Code, § 452(c).) Plaintiff hereby incorporates by
10 reference all objections made as to items 6 and 29. Plaintiff also incorporates by reference all
11 objections made as to Item 10 in that Combs is not competent to lay any foundation or
12 authenticate the requested item.

13 Item 56:

14 A letter from A. L. Polansky to Joe Chevreaux is not an “official act” and is otherwise
15 not a proper subject of judicial notice. (Evid. Code, § 452(c).) Plaintiff hereby incorporates by
16 reference all objections made as to items 6 and 29. Plaintiff also incorporates by reference all
17 objections made as to item 10 in that Combs is not competent to lay any foundation or
18 authenticate the requested item.

19 Item 57:

20 Plaintiff objects to this item on the grounds that the plan here requested by defendant is
21 uncertified, unauthenticated, and no foundation is laid for it. Furthermore, plaintiff also objects
22 to this item on the ground that defendant has offered no assertion, explanation, basis, or support
23 establishing the relevancy of this requested item.

24 Plaintiff also objects on the ground that the excerpted portions of the item which
25 defendant here requests that this Court judicially notice fail to adequately portray the entire plan
26 and whatever other terms and provisions are made therein. Because defendant has failed to
27 provide this Court and plaintiff with a complete, certified copy of the plan, both plaintiff and this
28 Court are unable to evaluate the limited provisions included here by defendant in the context of

1 the entire plan.

2 Item 58:

3 A letter from the Planning Commission to Joe Chevreaux is not an “official act” and is
4 otherwise not a proper subject of judicial notice. (Evid. Code, § 452(c).) Plaintiff hereby
5 incorporates by reference all objections made as to items 6 and 29.

6 Item 59:

7 A letter from A. L. Polansky to Ron Sanders is not an “official act” and is otherwise not a
8 proper subject of judicial notice. (Evid. Code, § 452(c).) Plaintiff hereby incorporates by
9 reference all objections made as to items 6 and 29. Plaintiff also incorporates by reference all
10 objections made as to Item 10 in that Combs is not competent to lay any foundation or
11 authenticate the requested item.

12 Item 60:

13 A letter from A. L. Polansky to W. Witham is not an “official act” and is otherwise not a
14 proper subject of judicial notice. (Evid. Code, § 452(c).) Plaintiff hereby incorporates by
15 reference all objections made as to items 6 and 29. Plaintiff also incorporates by reference all
16 objections made as to Item 10 in that Combs is not competent to lay any foundation or
17 authenticate the requested item.

18 Item 61:

19 Plaintiff objects to this item on the grounds that the item here requested by defendant is
20 uncertified, unauthenticated, and no foundation is laid for it. Furthermore, plaintiff also objects
21 to this item on the ground that defendant has offered no assertion, explanation, basis, or support
22 establishing the relevancy of this requested item.

23 Item 62:

24 Plaintiff objects to this item on the grounds that the item here requested by defendant is
25 uncertified, unauthenticated, and no foundation is laid for it. Furthermore, plaintiff also objects
26 to this item on the ground that defendant has offered no assertion, explanation, basis, or support
27 establishing the relevancy of this requested item.

28 Item 63:

1 Plaintiff objects to this item on the grounds that the item here requested by defendant is
2 uncertified, unauthenticated, and no foundation is laid for it. Furthermore, plaintiff also objects
3 to this item on the ground that defendant has offered no assertion, explanation, basis, or support
4 establishing the relevancy of this requested item.

5 Item 64:

6 A letter from the Planning Commission to Western Planning Engineering is not an
7 “official act” and is otherwise not a proper subject of judicial notice. (Evid. Code, § 452(c).)
8 Plaintiff hereby incorporates by reference all objections made as to items 6 and 29. Plaintiff also
9 incorporates by reference all objections made as to Item 10 in that Combs is not competent to lay
10 any foundation or authenticate the requested item.

11 Item 65:

12 A letter from Robert McMahan to the Department of Conservation is not an “official act”
13 and is otherwise not a proper subject of judicial notice. (Evid. Code, § 452(c).) Plaintiff hereby
14 incorporates by reference all objections made as to items 6 and 29. Plaintiff also incorporates by
15 reference all objections made as to Item 10 in that Combs is not competent to lay any foundation
16 or authenticate the requested item.

17 Item 66:

18 The declaration of Thomas McMahan is not an “official act” and is otherwise not proper
19 subject of judicial notice. (Evid. Code, § 452(c).) Plaintiff here incorporates all objections made
20 as to items 6 and 29. Plaintiff also incorporates all objections made as to Item 10 in that
21 Simpson is not authorized to lay any foundation or authenticate the requested item.

22 Item 67:

23 A memorandum from the Board of Zoning Adjustments Clerk is not an “official act” and
24 is otherwise not proper subject of judicial notice. (Evid. Code, § 452(c).) Plaintiff hereby
25 incorporates by reference all objections made as to items 6 and 29.

26 Item 68:

27 Plaintiff objects to this item on the grounds that the item here requested by defendant is
28 uncertified, unauthenticated, and no foundation is laid for it. Furthermore, plaintiff also objects

1 to this item on the ground that defendant has offered no assertion, explanation, basis, or support
2 establishing the relevancy of this requested item.

3 Item 69:

4 Plaintiff objects to this item on the grounds that the item here requested by defendant is
5 uncertified, unauthenticated, and no foundation is laid for it. Furthermore, plaintiff also objects
6 to this item on the ground that defendant has offered no assertion, explanation, basis, or support
7 establishing the relevancy of this requested item.

8 Item 70:

9 Plaintiff objects to this item because the Motion is not an “official act” and is otherwise
10 not a proper subject of judicial notice. (Evid. Code, § 452(c).) Plaintiff further objects on the
11 grounds that the item here requested by defendant is uncertified, unauthenticated, and no
12 foundation is laid for it. Plaintiff also objects to this item on the ground that defendant has
13 offered no assertion, explanation, basis, or support establishing the relevancy of this requested
14 item.

15 Item 71:

16 Plaintiff objects to this item on the grounds that the item here requested by defendant is
17 uncertified, unauthenticated, and no foundation is laid for it. Furthermore, plaintiff also objects
18 to this item on the ground that defendant has offered no assertion, explanation, basis, or support
19 establishing the relevancy of this requested item.

20 Item 72:

21 A letter from the Planning Commission to Chevreaux is not an “official act” and is
22 otherwise not a proper subject of judicial notice. (Evid. Code, § 452(c).) Plaintiff hereby
23 incorporates by reference all objections made as to items 6 and 29.

24 Item 73:

25 Plaintiff objects to this item on the grounds that the item here requested by defendant is
26 uncertified, unauthenticated, and no foundation is laid for it. Furthermore, plaintiff also objects
27 to this item on the ground that defendant has offered no assertion, explanation, basis, or support
28 establishing the relevancy of this requested item.

1 Item 74:

2 A letter from Fred Yeager is not an “official act” and is otherwise not a proper subject of
3 judicial notice. (Evid. Code, § 452(c).) Plaintiff hereby incorporates by reference all objections
4 made as to items 6 and 29. Plaintiff also incorporates by reference all objections made as to Item
5 10 in that Combs is not competent to lay any foundation or authenticate the requested item.

6 Item 75:

7 Plaintiff objects to this item on the grounds that the item here requested by defendant is
8 uncertified, unauthenticated, and no foundation is laid for it. Furthermore, plaintiff also objects
9 to this item on the ground that defendant has offered no assertion, explanation, basis, or support
10 establishing the relevancy of this requested item.

11 Item 76:

12 Plaintiff objects to this item on the grounds that the item here requested by defendant is
13 uncertified, unauthenticated, and no foundation is laid for it. Furthermore, plaintiff also objects
14 to this item on the ground that defendant has offered no assertion, explanation, basis, or support
15 establishing the relevancy of this requested item.

16 Item 77:

17 Plaintiff objects to this item on the grounds that the item here requested by defendant is
18 uncertified, unauthenticated, and no foundation is laid for it. Furthermore, plaintiff also objects
19 to this item on the ground that defendant has offered no assertion, explanation, basis, or support
20 establishing the relevancy of this requested item.

21 Item 78:

22 A letter from the William Harvey to Alex Ferreira is not an “official act” and is otherwise
23 not a proper subject of judicial notice. (Evid. Code, § 452(c).) Plaintiff hereby incorporates by
24 reference all objections made as to items 6 and 29. Plaintiff also incorporates by reference all
25 objections made as to Item 10 in that Combs is not competent to lay any foundation or
26 authenticate the requested item.

27 Item 79:

28 Plaintiff objects to this item on the grounds that the item here requested by defendant is

1 uncertified, unauthenticated, and no foundation is laid for it. Furthermore, plaintiff also objects
2 to this item on the ground that defendant has offered no assertion, explanation, basis, or support
3 establishing the relevancy of this requested item.

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5 Item 80:

6 A letter from the Planning Commission to Joe Chevreux is not an “official act” and is
7 otherwise not a proper subject of judicial notice. (Evid. Code, § 452(c).) Plaintiff hereby
8 incorporates by reference all objections made as to items 6 and 29.

9 Item 81:

10 Plaintiff objects to this item on the grounds that the item here requested by defendant is
11 uncertified, unauthenticated, and no foundation is laid for it. Furthermore, plaintiff also objects
12 to this item on the ground that defendant has offered no assertion, explanation, basis, or support
13 establishing the relevancy of this requested item.

14 Item 82:

15 Plaintiff objects to this item on the grounds that the item here requested by defendant is
16 uncertified, unauthenticated, and no foundation is laid for it. Furthermore, plaintiff also objects
17 to this item on the ground that defendant has offered no assertion, explanation, basis, or support
18 establishing the relevancy of this requested item.

19 Item 83:

20 A memorandum from the Lyle D. Rose to Fred Yeager is not an “official act” and is
21 otherwise not a proper subject of judicial notice. (Evid. Code, § 452(c).) Plaintiff hereby
22 incorporates by reference all objections made as to items 6 and 29. Plaintiff also incorporates all
23 objections made as to Item 10 in that Combs is not competent to lay any foundation or
24 authenticate the requested item.

25 Item 84:

26 Plaintiff objects to this item on the grounds that an Agenda is not an “official act” and is
27 otherwise not a proper subject of judicial notice. (Evid. Code, § 452(c).) Plaintiff also objects
28 on grounds that the item here requested by defendant is uncertified, unauthenticated, and no

1 foundation is laid for it. Plaintiff further objects to this item on the ground that defendant has
2 offered no assertion, explanation, basis, or support establishing the relevancy of this requested
3 item.

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5 Item 85:

6 Plaintiff objects to this item on the ground that defendant has offered no assertion,
7 explanation, basis, or support establishing the relevancy of this requested item.

8 Item 86:

9 A letter from Fred Yeager to Jan Lynch is not an “official act” and is otherwise not a
10 proper subject of judicial notice. (Evid. Code, § 452(c).) Plaintiff hereby incorporates by
11 reference all objections made as to items 6 and 29. Plaintiff also incorporates by reference all
12 objections made as to Item 10 in that Combs is not competent to lay any foundation or
13 authenticate the requested item.

14 Item 87:

15 A letter from Thomas Kubik to James Davis is not an “official act” and is otherwise not a
16 proper subject of judicial notice. (Evid. Code, § 452(c).) Plaintiff hereby incorporates by
17 reference all objections made as to items 6 and 29.

18 Item 88:

19 Plaintiff objects to this item on the ground that defendant has offered no assertion,
20 explanation, basis, or support establishing the relevancy of this requested item.

21 Item 89:

22 A letter from Thomas D. McMahan in response to a letter from Joe Chevreux is not an
23 “official act” and is otherwise not a proper subject of judicial notice. (Evid. Code, § 452(c).)
24 Plaintiff hereby incorporates by reference all objections made as to items 6 and 29. Plaintiff also
25 incorporates all objections made as to Item 10 in that Combs is not competent to lay any
26 foundation or authenticate the requested item.

27 Item 90:

28 Plaintiff objects to this item on the ground that defendant has failed to identify where in

1 the Combs Declaration this item can be found, and plaintiff is unable to ascertain what it is that
2 defendant seeks to have this Court judicially notice. Plaintiff also objects to this item on the
3 ground that defendant has offered no assertion, explanation, basis, or support establishing the
4 relevancy of this requested item.

5 Item 91:

6 Plaintiff objects to this item because an Environmental Impact Assessment Questionnaire
7 completed by Fred Barber is not an “official act” and is otherwise not a proper subject of judicial
8 notice. (Evid. Code, § 452(c).) Plaintiff also incorporates by reference all objections made as to
9 items 6 and 29. Plaintiff also incorporates by reference all objections made as to Item 10 in that
10 Combs is not competent to lay any foundation or authenticate the requested item. Plaintiff
11 further objects to this item on the ground that defendant has offered no assertion, explanation,
12 basis, or support establishing the relevancy of this requested item.

13 Item 92:

14 Plaintiff objects to this item on the ground that defendant has offered no assertion,
15 explanation, basis, or support establishing the relevancy of this requested item.

16 Item 93:

17 A letter from Jan Christian to Pam Ceccarelli is not an “official act” and is otherwise not
18 a proper subject of judicial notice. (Evid. Code, § 452(c).) Plaintiff hereby incorporates all
19 objections made as to items 6 and 29. Plaintiff also incorporates by reference all objections
20 made as to Item 10 in that Combs is not competent to lay any foundation or authenticate the
21 requested item.

22 Item 94:

23 Plaintiff objects to this item because a Questionnaire completed by Western Planning &
24 Engineering, Inc. and prepared for Joe Chevreux is not an “official act” and is otherwise not a
25 proper subject of judicial notice. (Evid. Code, § 452(c).) Plaintiff also incorporates by reference
26 all objections made as to items 6 and 29. Plaintiff also incorporates by reference all objections
27 made as to Item 10 in that Combs is not competent to lay any foundation or authenticate the
28 requested item. Plaintiff further objects to this item on the ground that defendant has offered no

1 assertion, explanation, basis, or support establishing the relevancy of this requested item.

2 Item 95:

3 A memorandum from Kitty Meeker in response to Allison Carlos is not an “official act”
4 and is otherwise not a proper subject of judicial notice. (Evid. Code, § 452(c).) Plaintiff hereby
5 incorporates by reference all objections made as to items 6 and 29. Plaintiff also incorporates by
6 reference all objections made as to Item 10 in that Combs is not competent to lay any foundation
7 or authenticate the requested item.

8 Item 96:

9 Plaintiff objects to this item on the grounds that the item here requested by defendant is
10 uncertified, unauthenticated, and no foundation is laid for it. Furthermore, plaintiff also objects
11 to this item on the ground that defendant has offered no assertion, explanation, basis, or support
12 establishing the relevancy of this requested item.

13 Item 97:

14 Plaintiff objects to this item because an Application completed by Joe Chevreaux is not
15 an “official act” and is otherwise not a proper subject of judicial notice. (Evid. Code, § 452(c).)
16 Plaintiff also incorporates by reference all objections made as to items 6 and 29. Plaintiff also
17 incorporates by reference all objections made as to Item 10 in that Combs is not competent to lay
18 any foundation or authenticate the requested item. Plaintiff further objects to this item on the
19 ground that defendant has offered no assertion, explanation, basis, or support establishing the
20 relevancy of this requested item.

21 Item 98:

22 Plaintiff objects to this item on the ground that defendant has offered no assertion,
23 explanation, basis, or support establishing the relevancy of this requested item.

24 Item 99:

25 Plaintiff objects to this item on the ground that defendant has offered no assertion,
26 explanation, basis, or support establishing the relevancy of this requested item.

27 Item 100:

28 Plaintiff objects to this item on the ground that defendant has offered no assertion,

1 explanation, basis, or support establishing the relevancy of this requested item.

2 Item 101:

3 A letter from Debra A. Andaloro to Joe Chevreaux is not an “official act” and is
4 otherwise not a proper subject of judicial notice. (Evid. Code, § 452(c).) Plaintiff hereby
5 incorporates by reference all objections made as to items 6 and 29. Plaintiff also incorporates by
6 reference all objections made as to Item 10 in that Combs is not competent to lay any foundation
7 or authenticate the requested item.

8 Item 102:

9 Plaintiff objects to this item on the ground that the report is excerpted, and neither
10 plaintiff nor this Court is able to ascertain the provisions of the report not included here by
11 defendant. The provisions included by defendant are not capable of proper evaluation without
12 comparison to the context in which they were prepared and in the light of the entire report.
13 Plaintiff also objects on grounds that defendant has not established this relevance of this report,
14 and further incorporates all objections made in items 6, 10, and 29.

15 Item 103:

16 Plaintiff objects to this item on the ground that the plan is excerpted, and neither plaintiff
17 nor this Court is able to ascertain the provisions of the plan not included here by defendant. The
18 provisions included by defendant are not capable of proper evaluation without comparison to the
19 context in which they were prepared and in the light of the entire plan. Plaintiff also objects on
20 grounds that defendant has not established this relevance of this plan, and further incorporates all
21 objections made in items 6, 10, and 29.

22 Item 104:

23 Plaintiff objects to this item on the ground that defendant has offered no assertion,
24 explanation, basis, or support establishing the relevancy of this requested item.

25 Item 105:

26 Plaintiff objects to this item on the ground that defendant has offered no assertion,
27 explanation, basis, or support establishing the relevancy of this requested item.

28 Item 106:

1 Plaintiff objects to this item on the ground that defendant has offered no assertion,
2 explanation, basis, or support establishing the relevancy of this requested item.

3 Item 107:

4 Plaintiff objects to this item on the ground that defendant has offered no assertion,
5 explanation, basis, or support establishing the relevancy of this requested item.

6 Item 108:

7 Plaintiff objects to this item on the ground that defendant has offered no assertion,
8 explanation, basis, or support establishing the relevancy of this requested item.

9 Item 109:

10 Plaintiff objects to this item on the ground that defendant has offered no assertion,
11 explanation, basis, or support establishing the relevancy of this requested item.

12 Item 110:

13 An e-mail from Bill Combs to Fred Yeager is not an “official act” and is otherwise not a
14 proper subject of judicial notice. (Evid. Code, § 452(c).) Plaintiff hereby incorporates by
15 reference all objections made as to items 6 and 29. Plaintiff also incorporates by reference all
16 objections made as to Item 10 in that Combs is not competent to lay any foundation or
17 authenticate the requested item.

18 Item 111:

19 An e-mail from Bill Combs to Fred Yeager is not an “official act” and is otherwise not a
20 proper subject of judicial notice. (Evid. Code, § 452(c).) Plaintiff hereby incorporates by
21 reference all objections made as to items 6 and 29.

22 Item 112:

23 An e-mail from Bill Combs to Fred Yeager is not an “official act” and is otherwise not a
24 proper subject of judicial notice. (Evid. Code, § 452(c).) Plaintiff hereby incorporates by
25 reference all objections made as to items 6 and 29.

26 Item 113:

27 A memorandum from Anthony La Bouff to Fred Yeager is not an “official act” and is
28 otherwise not a proper subject of judicial notice. (Evid. Code, § 452(c).) Plaintiff hereby

1 incorporates by reference all objections made as to items 6 and 29. Plaintiff also incorporates by
2 reference all objections made as to Item 10 in that Combs is not competent to lay any foundation
3 or authenticate the requested item.

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5 Item 114:

6 A letter from Anthony La Bouff to Brigit S. Barnes, attorney for defendant, is not an
7 “official act” and is otherwise not a proper subject of judicial notice. (Evid. Code, § 452(c).)
8 Plaintiff hereby incorporates by reference all objections made as to items 6 and 29. Plaintiff also
9 incorporates by reference all objections made as to Item 10 in that Combs is not competent to lay
10 any foundation or authenticate the requested item.

11 Item 115:

12 Plaintiff objects to this item on the ground that an Agenda is not an “official act” and is
13 otherwise not a proper subject of judicial notice. (Evid. Code, § 452(c).) Plaintiff also objects to
14 this item on the ground that defendant has offered no assertion, explanation, basis, or support
15 establishing the relevancy of this requested item.

16 Item 116:

17 Plaintiff objects to this item on the grounds that the excerpted minutes here requested by
18 defendant are uncertified, unauthenticated, and no foundation is laid for them. Furthermore,
19 plaintiff also objects to this item on the ground that defendant has offered no assertion,
20 explanation, basis, or support establishing the relevancy of this requested item.

21 Item 117:

22 A letter from Scott Finley to Alex Constantino is not an “official act” and is otherwise
23 not a proper subject of judicial notice. (Evid. Code, § 452(c).) Plaintiff hereby incorporates by
24 reference all objections made as to items 6 and 29. Plaintiff also incorporates all objections
25 made as to Item 10 in that Combs is not competent to lay any foundation or authenticate the
26 requested item.

27 Item 118:

28 A letter from Jim Holmes to Assemblyman Tim Leslie is not an “official act” and is

1 otherwise not a proper subject of judicial notice. (Evid. Code, § 452(c).) Plaintiff hereby
2 incorporates by reference all objections made as to items 6 and 29. Plaintiff also incorporates all
3 objections made as to Item 10 in that Combs is not competent to lay any foundation or
4 authenticate the requested item. Plaintiff also objects to this item on the ground that defendant
5 has offered no assertion, explanation, basis, or support establishing the relevancy of this
6 requested item.

7 Item 119:

8 Bill Combs' typewritten note circa 2006 is not an "official act" and is otherwise not a
9 proper subject of judicial notice. (Evid. Code, § 452(c).) Plaintiff hereby incorporates by
10 reference all objections made as to items 6 and 29. Plaintiff also incorporates by reference all
11 objections made as to Item 10 in that Combs is not competent to lay any foundation or
12 authenticate the requested item.

13 Item 120:

14 An e-mail from Bill Combs to Don Duffy is not an "official act" and is otherwise not a
15 proper subject of judicial notice. (Evid. Code, § 452(c).) Plaintiff hereby incorporates by
16 reference all objections made as to items 6 and 29. Plaintiff also incorporates by reference all
17 objections made as to Item 10 in that Combs is not competent to lay any foundation or
18 authenticate the requested item.

19 Item 121:

20 Plaintiff objects to this item on the ground that plaintiff is unable to identify what
21 document defendant is requesting and where that document can be found. If defendant means
22 that the item is located in Exhibit P, this item is not found there. Plaintiff therefore objects due
23 to failure to be able to respond to this request. Plaintiff also objects to this item on the ground
24 that defendant has offered no assertion, explanation, basis, or support establishing the relevancy
25 of this requested item.

26 **Plaintiff's Objections to Defendant's Requests for**
27 **Nevada County Documents Pursuant to Evidence Code section 452, subdivision (c)**

28 Item 122:

1 Plaintiff objects to this item because it is unable to identify or ascertain what document
2 defendant requests this Court judicially notice. Exhibit 11 to the Simpson Declaration is not
3 what defendant here claims it to be.

4 Moreover, a list of members of the Planning Commission is not an “official act” and is
5 otherwise not a proper subject of judicial notice. (Evid. Code, § 452(c).) Plaintiff further objects
6 on the ground that Simpson is not capable of authenticating or laying any foundation for such a
7 list of commission members. Furthermore, defendant offers no explanation, assertion, basis, or
8 support establishing the relevancy of the list to which it refers.

9 Item 123:

10 Plaintiff objects to this item because a deed is not an “official act” and is otherwise not a
11 proper subject of judicial notice. (Evid. Code, § 452(c).) Plaintiff further objects on the ground
12 that Simpson is not capable of authenticating or laying any foundation for such a list of
13 commission members. Furthermore, defendant offers no explanation, assertion, basis, or support
14 establishing the relevancy of the list to which it refers.

15 Item 124:

16 A letter from James Chatigny is not an “official act” and is otherwise not a proper subject
17 of judicial notice. (Evid. Code, § 452(c).) Plaintiff hereby incorporates by reference all
18 objections made as to items 6 and 29. Plaintiff also incorporates by reference all objections
19 made as to Item 10 in that Simpson is not competent to lay any foundation or authenticate the
20 requested item. Plaintiff also objects to this item on the ground that defendant has offered no
21 assertion, explanation, basis, or support establishing the relevancy of this requested item.

22 Item 125:

23 A letter from James Chatigny is not an “official act” and is otherwise not a proper subject
24 of judicial notice. (Evid. Code, § 452(c).) Plaintiff hereby incorporates by reference all
25 objections made as to items 6 and 29. Plaintiff also incorporates by reference all objections
26 made as to Item 10 in that Simpson is not competent to lay any foundation or authenticate the
27 requested item. Plaintiff also objects to this item on the ground that defendant has offered no
28 assertion, explanation, basis, or support establishing the relevancy of this requested item.

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Item 126:

A letter from James Chatigny is not an “official act” and is otherwise not a proper subject of judicial notice. (Evid. Code, § 452(c).) Plaintiff hereby incorporates by reference all objections made as to items 6 and 29. Plaintiff also incorporates by reference all objections made as to Item 10 in that Simpson is not competent to lay any foundation or authenticate the requested item. Plaintiff also objects to this item on the ground that defendant has offered no assertion, explanation, basis, or support establishing the relevancy of this requested item.

Item 127:

A letter from Jean Jacobs is not an “official act” and is otherwise not a proper subject of judicial notice. (Evid. Code, § 452(c).) Plaintiff hereby incorporates by reference all objections made as to items 6 and 29. Plaintiff also incorporates all objections made as to Item 10 in that Simpson is not competent to lay any foundation or authenticate the requested item. Plaintiff also objects to this item on the ground that defendant has offered no assertion, explanation, basis, or support establishing the relevancy of this requested item.

DATED: May 10, 2007.

RONALD A. ZUMBRUN
TIMOTHY V. KASSOUNI
ANGELA C. THOMPSON
THE ZUMBRUN LAW FIRM

By _____
TIMOTHY V. KASSOUNI
Attorneys for Plaintiff