

S252915

SUPREME COURT
FILED

APR 22 2019

Jorge Navarrete Clerk

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

Deputy

LESLIE T. WILDE,

Plaintiff and Appellant,

v.

CITY OF DUNSMUIR, et al.

Defendants and Respondents.

After a Published Decision of the Court of Appeal of the State of California
Third Appellate District, Case No. C082664

Reversing a Judgment of the Superior Court of the State of California
for the County of Siskiyou, Case No. SC CV PT 16-549
Honorable Anne Bouliane, Judge Presiding

FURTHER MOTION FOR JUDICIAL NOTICE

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Attorneys for Defendants and Respondents
City of Dunsmuir, et al.

Pursuant to rule 8.54 of the California Rules of Court and Evid. Code, section 452, subdiv. (h), the City of Dunsmuir ("City") moves for judicial notice of the Howard Jarvis Taxpayers Association "Right to Vote on Taxes Act" (Proposition 218) Statement of Drafters' Intent reprinted in League of California Cities, Propositions 26 and 218 Implementation Guide (May 2017) at p. 141- 160.

MEMORANDUM OF POINTS AND AUTHORITIES

This motion seeks judicial notice of the Howard Jarvis Taxpayers Association's Proposition 218 Statement of Drafters' Intent. The drafters' intent at pages 144-146 speaks only of the initiative power, making no mention of referenda suggesting the drafters' intention to preserve *Rossi v Brown* (1995) 9 Cal.4th 688.


The rationale for admission of materials under Evid. Code, section 452(h) is that they are matters that are not reasonably subject to dispute and capable of immediate and accurate determination by resort to sources of reasonably indisputable accuracy. Thus, this Court may take judicial notice of the Howard Jarvis Taxpayers Association's Proposition 218 Statement of Drafters' Intent pursuant to Section 452(h).

Based on the foregoing reasons, the City respectfully requests this Court to grant this motion for judicial notice.

Respectfully submitted,

Dated: April 19, 2019

KENNY & NORINE


JOHN SULLIVAN KENNY
LINDA R. SCHAAP
Attorneys for Respondents
CITY OF DUNSMUIR, et al.

RE: *Wilde v. City of Dunsmuir, et al.*
Siskiyou County Superior Court Case No. SCCVPT 16-549
Court of Appeal Case No. C082664
Supreme Court Case No. S252915

PROOF OF SERVICE

I am employed in the County of Shasta, State of California, I am over the age of eighteen years and not a party to the foregoing action, my business address is 1923 Court Street, Redding, California 96001. On the date set forth below, I served the within **MOTION FOR JUDICIAL NOTICE** on all parties in said action in the manner and/or manners described below and addressed as follows:

Timothy A. Bittle
Howard Jarvis Taxpayers Foundation
921 Eleventh Street, Suite 1201
Sacramento, CA 95814
Attorneys for Appellant Leslie T. Wilde

Clerk/Executive Officer (Mail)
California Court of Appeal
Third Appellate District
914 Capitol Mall, 4th Floor
Sacramento, CA 95814

Michael G. Colantuono (Courtesy Copy)
Colantuono Highsmith & Whatley PC
420 Sierra College Drive, Suite 140
Grass Valley, CA 95945

Clerk of the Court, Civil Division (Mail)
Siskiyou County Superior Court
311 4th Street
Yreka, CA 96097

- X BY MAIL: By placing a true copy thereof enclosed in a sealed envelope and causing such envelope(s) to be deposited in the mail at my business address, addressed to the addressee(s) designated. I am familiar with this firm's practice whereby the mail, after being placed in a designated area, is given the appropriate postage and is deposited in a U.S. mail box after the close of the day's business.
- _____ BY ELECTRONIC FILING: By transmitting via the electronic filing system, TrueFiling, the document(s) listed above to the addressee(s) designated.
- _____ BY HAND DELIVERY: I caused envelope(s) to be delivered by hand to the addressee(s) designated.
- _____ BY EXPRESS MAIL: I caused such envelope(s) to be sent by overnight mail pursuant to CCP §1013, with all fees prepaid, addressed to the addressee(s) designated.

I declare under penalty of perjury that the foregoing is true and correct.
Executed on April 19, 2019, at Redding, California.


TAMARA WARREN