



1 NIELSEN MERKSAMER  
 2 PARRINELLO GROSS & LEONI LLP  
 3 JAMES R. PARRINELLO (SBN 63415)  
 4 MARGUERITE MARY LEONI (SBN 101696)  
 5 CHRISTOPHER E. SKINNELL (SBN 227093)  
 6 2350 Kerner Boulevard, Suite 250  
 7 San Rafael, California 94901  
 8 TELEPHONE: (415) 389-6800  
 9 FACSIMILE: (415) 388-6874  
 10 Email: [jparrinello@nmgovlaw.com](mailto:jparrinello@nmgovlaw.com)  
 11 Email: [mleoni@nmgovlaw.com](mailto:mleoni@nmgovlaw.com)  
 12 Email: [cskinnell@nmgovlaw.com](mailto:cskinnell@nmgovlaw.com)

**FILED**  
 ALAMEDA COUNTY

MAR 11 2013

CLERK OF THE SUPERIOR COURT  
 By M. Hoyle Deputy

13 *Attorneys for Intervener-Defendants*  
 14 INDEPENDENT VOTER PROJECT, DAVID  
 15 TAKASHIMA, ABEL MALDONADO &  
 16 CALIFORNIANS TO DEFEND THE OPEN  
 17 PRIMARY

18 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
 19 IN AND FOR THE COUNTY OF ALAMEDA

20 MICHAEL RUBIN, STEVE COLLETT,  
 21 MARSHA FEINLAND, CHARLES L.  
 22 HOOPER, KATHERINE TANAKA, C.T.  
 23 WEBER, CAT WOODS, GREEN PARTY OF  
 24 ALAMEDA COUNTY, LIBERTARIAN PARTY  
 25 OF CALIFORNIA, and PEACE AND  
 26 FREEDOM PARTY OF CALIFORNIA,

*Plaintiffs,*

vs.

27 DEBRA BOWEN, in her official capacity as  
 28 California Secretary of State,

*Defendant.*

INDEPENDENT VOTER PROJECT, DAVID  
 TAKASHIMA, ABEL MALDONADO &  
 CALIFORNIANS TO DEFEND THE OPEN  
 PRIMARY,

*Intervener-Defendants.*

Case No.: RG11605301  
 ASSIGNED FOR ALL  
 PURPOSES TO JUDGE  
 LAWRENCE JOHN APPEL

**INTERVENERS' REQUEST  
 FOR JUDICIAL NOTICE IN  
 SUPPORT OF DEMURRER  
 TO UNVERIFIED SECOND  
 AMENDED COMPLAINT;  
 MEMO OF POINTS &  
 AUTHORITIES**

DATE: June 4, 2013  
 TIME: 9:00 a.m.  
 DEPT: 16  
 RESERVATION#: R-1377385

**BY FAX**

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE THAT on June 4, 2013, at 9:00 a.m., in Department 16 of the  
3 above-captioned Court, located at 1221 Oak Street, Oakland, California 94612, Intervener-  
4 Defendants herein, INDEPENDENT VOTER PROJECT (“IVP”), DAVID TAKASHIMA, ABEL  
5 MALDONADO and CALIFORNIANS TO DEFEND THE OPEN PRIMARY (“CADOP”), will  
6 request the Court to take judicial notice of the following documents:

7 Exhibit A: An August 20, 2009, order in *Wash. State Republican Party v. Wash. State*  
8 *Grange*, Case No. 05-cv-00927-JCC (W.D. Wash.) (granting in part and  
9 denying in part defendants’ motions to dismiss).

10 Exhibit B: Libertarian Party’s Motion for Summary Judgment in *Wash. State*  
11 *Republican Party v. Wash. State Grange*, Case No. 05-cv-00927-JCC (W.D.  
12 Wash. filed June 17, 2005).

13 Exhibit C: Reply Brief of the Libertarian Party of Washington State, *et al.*, Appellants,  
14 filed on August 25, 2011, in *Wash. State Republican Party v. Wash. State*  
15 *Grange*, 11-35125 (9th Cir.).

16 Exhibit D: Election Results from the 2008 Primary and General Elections in the State  
17 of Washington, downloaded from the Washington Secretary of State’s  
18 website at [www.sos.wa.gov](http://www.sos.wa.gov).

19 Exhibit E: Opening Brief of the Libertarian Party of Washington State, *et al.*,  
20 Appellants, filed on June 21, 2011, in *Wash. State Republican Party v.*  
21 *Wash. State Grange*, 11-35125 (9th Cir.).


22 Exhibit F: The pages from the Voter Information Guide, published by the California  
23 Secretary of State in connection with the June 8, 2010, Statewide Primary  
24 Election, that are related to Proposition 14, including the text of the  
25 measure.

26 This Request is supported by the Declaration of Christopher E. Skinnell, attached hereto as  
27 Exhibit G, and the Points and Authorities attached hereto.

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1 Dated: March 11, 2012

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NIELSEN MERKSAMER  
PARRINELLO GROSS & LEONI LLP

By:   
Christopher E. Skinnell  
*Attorneys for Intervener-Defendants*

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POINTS AND AUTHORITIES

[1] Exhibits A, B, C & E (records from *Wash. State Republican Party v. Wash. State Grange*, Case No. 05-cv-00927-JCC (W.D. Wash.) & *Wash. State Republican Party v. Wash. State Grange*, Case No. 11-35125 (9th Cir.)). Judicial notice may be taken of the “[r]ecords of . . . any court of record of the United States” pursuant to Evidence Code § 452(d)(2).

[2] Exhibits D & F (Records from the websites of the Secretaries of State of California and Washington). Judicial notice may be taken of the “[o]fficial acts of the legislative, executive, and judicial departments of . . . any state of the United States” under Evidence Code § 452(c). This includes documents published by public agencies (see *Serrano v. Priest*, 5 Cal. 3d 584, 591 (1971); *Moore v. Superior Court*, 117 Cal. App. 4th 401, 407 n.5 (2004)), as well as the records and files of such agencies (*Wolfe v. State Farm Cas. & Ins. Co.*, 46 Cal. App. 4th 554, 567 n.16 (1996); *Fowler v. Howell*, 42 Cal. App. 4th 1746, 1750 (1996); *Hogen v. Valley Hospital*, 147 Cal. App. 3d 119, 125 (1983)).

Dated: March 11, 2013

Respectfully submitted,  
NIELSEN MERKSAMER  
PARRINELLO GROSS & LEONI LLP

By:   
Christopher E. Skinnell  
*Attorneys for Intervener-Defendants*