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David W. Slayton,
Executive Officer/Clerk of Court,
By S. Bolden, Deputy Clerk

8 Attorneys for Petitioners
9 Studio City Residents Association
10 and Save LA River Open Space

11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **FOR THE COUNTY OF LOS ANGELES**

13 STUDIO CITY RESIDENTS ASSOCIATION)
14 and SAVE LA RIVER OPEN SPACE,)

15 Petitioners,)
16 v.)

17 CITY OF LOS ANGELES)

18 Respondent;)

19 HARVARD-WESTLAKE SCHOOL; COUNTY)
20 OF LOS ANGELES and DOES 1-10)

21 Real Parties in Interest.)

CASE NO.: 23STCP04483

**SUPPLEMENTAL REQUEST FOR
JUDICIAL NOTICE IN SUPPORT OF
PETITIONERS' JOINT OPENING
BRIEF; DECLARATION OF JAMIE T.
HALL**

Petition Filed: December 13, 2023

Assigned For All Purposes To:
Honorable Maurice A. Leiter
Department 54
Stanley Mosk Courthouse

Trial Hearing
Date: December 10, 2024
Time: 9:30 a.m.

1 **TO THE COURT, ALL PARTIES, AND THEIR COUNSEL FO RECORD:**

2 **PLEASE TAKE NOTICE** that Petitioners Studio City Residents Association (“SCRA”),
3 Save LA River Open Space (“SLAROS”), and Save Weddington Inc (collectively “Petitioners”) will,
4 and hereby do, make a supplemental request that this Court take Judicial Notice of the documents
5 listed below, which are attached as **Exhibits 8 and 9** to the Declaration of Jamie T. Hall, filed
6 herewith.

7

<u>Exhibit</u>	<u>Description</u>
8 8	Los Angeles City Charter § 231
9 9	Los Angeles City Charter § 551

10

11 **I. JUDICIAL NOTICE SHALL BE TAKEN**

12 Evidence Code Section 451(a) provides that judicial notice shall be taken of “the provisions of
13 any charter described in Section 3, 4 or 5 of Article XI of the California Constitution.” California
14 Constitution, Article XI, Section 3 provides for the adoption of city charters by majority vote. The
15 “Table of Amendments” to the Los Angeles City Charter available at American Legal Publishing
16 states: “This Charter was approved by the electors of the City of Los Angeles at the General Municipal
17 Election of June 8, 1999.”¹ Thus, judicial notice of the referenced provisions of the Los Angeles City
18 Charter is mandatory.

19 **II. JUDICIAL NOTICE SHOULD BE TAKEN**

20 Under Evidence Code Section 452(c), the Court may take judicial notice of “Official acts of
21 the legislative, executive, and judicial departments of the United States and of any state of the United
22 States.” The referenced sections of the Los Angeles Municipal Charter are official acts of the City
23 adopted by a majority of its electors and are therefore subject to judicial notice.

24 Under Evidence Code Section 452(h), the Court may take judicial notice of “Facts and
25 propositions that are not reasonably subject to dispute and are capable of immediate and accurate
26 determination by resort to sources of reasonably indisputable accuracy.” The text of the referenced
27 sections of the City Charter is not reasonably subject to dispute and is capable of immediate and
28

¹ Available at: https://codelibrary.amlegal.com/codes/los_angeles/latest/laac/0-0-0-7026

1 accurate determination by resort to a source of reasonable indisputable accuracy—the City’s official
2 online version of its City Charter maintained by American Legal Publishing at
3 https://codelibrary.amlegal.com/codes/los_angeles/latest/laac/0-0-0-2.

4 Judicial notice is sought to address the Opposition’s claim that subsequent review by the City
5 Council cured a biased initial decision by the City Planning Commission. (City Opp. at p. 36:19-37:6.)
6 Petitioners recognize that courts disfavor seeking judicial notice of documents in a reply brief because
7 it would deprive interested parties of the ability to respond. (See *San Diego Watercrafts, Inc. v. Wells*
8 *Fargo Bank, N.A.* (2002) 102 Cal.App.4th 308, 316 [due process requires a party be fully advised of
9 the issues to be addressed and be given adequate notice of what facts it must rebut in order to prevail].)
10 There is no due process issue here, where Respondent is presumably aware of sections of its own City
11 Charter establishing the powers of the executive branch (including the Mayor) as distinguished from
12 the powers of the legislative branch (the City Council). Even without reference to the specific City
13 Charter sections, it would be pointless to pretend this Court is not aware of the fundamental distinction
14 between legislative and executive branches of government. (*Lamar Central Outdoor, LLC v. City of*
15 *Los Angeles* (245 Cal.App.4th 610, 621 [granting judicial notice of census data where “it would be
16 pointless to pretend we do not know that the City of Los Angeles is a very large metropolis indeed”].)

17 **III. CONCLUSION**

18 For the foregoing reasons, Petitioners respectfully request this Court take judicial notice
19 Exhibits 8 and 9.

20
21 Respectfully Submitted,

22
23 Dated: October 28, 2024

24 By:


25 Amy Minter
26 CARSTENS, BLACK, & MINTEER LLP
27 Attorneys for Petitioners Studio City Residents
28 Association and Save LA River Open Space

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Dated: October 28, 2024

By: /s/ Jamie T. Hall
 Jamie T. Hall
 CHANNEL LAW GROUP, LLP
 Attorneys for Petitioner Save Weddington Inc.

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DECLARATION OF JAMIE T. HALL

DECLARATION OF JAMIE T. HALL

I, Jamie T. Hall, declare and state as follows:

1. I am over the age of 18 and have personal knowledge of the facts stated herein except for those stated on information and belief. As to those matters stated on information and belief, I have a good faith basis for my belief and the information provided to me upon which to base my belief is reasonable under objective standards of professionalism and my legal duties to the Court

2. I am the attorney of record for Petitioner, Save Weddington Inc. (“Petitioner”). This declaration is made in support of the Supplemental Request for Judicial Notice in support of Petitioners’ Joint Reply Brief.

3. Attached hereto at **Exhibit 8** is a true and correct copy of the Los Angeles City Charter § 231. This document was obtained from the official online version of the City Charter on October 23, 2024 at the following link: https://codelibrary.amlegal.com/codes/los_angeles/latest/laac/0-0-0-576

4. Attached hereto at **Exhibit 9** is a true and correct copy of the Los Angeles City Charter § 551. This document was obtained from the official online version of the City Charter on October 23, 2024 at the following link: https://codelibrary.amlegal.com/codes/los_angeles/latest/laac/0-0-0-576

I declare under penalty of perjury the foregoing is true and correct to the best of my knowledge and belief. Executed on October 28, 2024, in Beverly Hills, California.

/s/ Jamie T. Hall

JAMIE T. HALL

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EXHIBIT 8

Sec. 231. Powers and Duties.

The Mayor shall have the power and duty to:

- (a) exercise management authority over all departments, agencies and appointed offices of the City, except where the Charter provides otherwise;
- (b) appoint and remove staff as may be needed to perform the duties and carry out the responsibilities of the Mayor's office, subject only to budgetary appropriation;
- (c) unless provided otherwise in the Charter, appoint chief administrative officers of City departments and appointed offices, and the members of the boards of commissioners created by the Charter, each subject to Council confirmation as provided in the Charter;
- (d) unless otherwise provided in the Charter, appoint the members of standing commissions and boards created by ordinance that are advisory to or manage a department or appointed office, or perform regulatory functions, subject to Council confirmation as provided in the Charter;
- (e) remove from office any chief administrative officer or commissioner, except where otherwise provided in the Charter;
- (f) publicly address the Council on the state of the City, annually prior to the submission of the proposed budget;
- (g) prepare and submit the Mayor's proposed annual budget to the Council for consideration in accordance with Article III of the Charter;
- (h) represent the City in intergovernmental relations in accordance with City policy and supervise the City's intergovernmental relations function;
- (i) declare a local emergency and coordinate the City's emergency response activities in accordance with procedures established by ordinance, and supervise emergency preparedness activities in the various departments and offices, including the Mayor's office, in a manner consistent with City policy;
- (j) establish procedures and implement policies not inconsistent with the Charter or ordinance as are necessary to effectively manage and supervise the responsibilities entrusted to the Mayor through the issuance of executive directives, which, in the absence of conflicting provisions in the Charter or ordinance, and until revised or rescinded by the Mayor, shall be binding on all departments, commissions, appointed officers and employees of the City. Executive directives shall be filed with the City Clerk and be published in the manner described in Section 251. Executive directives shall take effect 15 days after publication;
- (k) certify in writing to the Council, for each appointment that requires Council confirmation, that in the Mayor's opinion the appointee is especially qualified by reason of training and experience for the position, and that the appointment is made solely in the interest of the City; and
- (l) perform other duties and have other powers as are provided elsewhere in the Charter or by ordinance.

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EXHIBIT 9

Sec. 551. City Planning Commission.

The Board of Commissioners of the City Planning Department shall be known as the City Planning Commission and shall consist of nine members. It shall:

- (a) give advice and make recommendations to the Mayor, Council, Director of Planning, municipal departments and agencies with respect to City planning and related activities and legislation;
- (b) make recommendations concerning amendment of the General Plan and proposed zoning ordinances in accordance with Sections 555 and 558;
- (c) make reports and recommendations to the Council and to other governmental officers or agencies as may be necessary to implement and secure compliance with the General Plan; and
- (d) perform other functions prescribed by the Charter or ordinance.

1 **PROOF OF SERVICE**

2 I am employed by Carstens, Black & Minter LLP in the County of Los Angeles, State of California.
3 I am over the age of 18 and not a party to the within action. My business address is 2200 Pacific Coast
4 Highway, Ste. 318, Hermosa Beach, CA. On October 28, 2024, I served the within documents:

5 **SUPPLEMENTAL REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF
6 PETITIONERS’ JOINT OPENING BRIEF; DECLARATION OF JAMIE T. HALL**

7 **VIA UNITED STATES MAIL.** I am readily familiar with this business’ practice for
8 collection and processing of correspondence for mailing with the United States Postal Service.
9 On the same day that correspondence is placed for collection and mailing, it is deposited in
10 the ordinary course of business with the United States Postal Service in a sealed envelope with
11 postage fully prepaid. I enclosed the above-referenced document(s) in a sealed envelope or
12 package addressed to the person(s) at the address(es) as set forth below, and following
13 ordinary business practices I placed the package for collection and mailing on the date and at
14 the place of business set forth above.

15 **VIA OVERNIGHT DELIVERY.** I enclosed the above-referenced document(s) in an
16 envelope or package designated by an overnight delivery carrier with delivery fees paid or
17 provided for and addressed to the person(s) at the address(es) listed below. I placed the
18 envelope or package for collection and overnight delivery at an office or a regularly utilized
19 drop box of the overnight delivery carrier.

20 **VIA ONE LEGAL E-SERVICE.** By submitting an electronic version of the
21 document(s) to One Legal, LLC, through the user interface at
22 www.onelegal.com.

23 **VIA EMAIL OR ELECTRONIC SERVICE.** Based on a court order or an agreement of
24 the parties to accept service by electronic transmission, I caused the above-referenced
25 document(s) to be sent to the person(s) at the electronic address(es) listed below.

26 I declare that I am employed in the office of a member of the bar of this court whose direction the
27 service was made. I declare under penalty of perjury under the laws of the State of California that the above is
28 true and correct. Executed on October 28, 2024, at Hermosa Beach, California.

29 */s/ Sarah Bloss*

30 Sarah Bloss

1 **SERVICE LIST**

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