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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF CONTRA COSTA**

Mark S., by and through his guardian ad litem,
Anna S., Rosa T., by and through her guardian
ad litem Sofia L., and Jessica Black, Michell
Redfoot, and Dr. Nefertari Royston, as
taxpayers, Plaintiffs and Petitioners,

v.

STATE OF CALIFORNIA; TONY
THURMOND, in his official capacity as STATE
SUPERINTENDENT OF PUBLIC
INSTRUCTION; STATE BOARD OF
EDUCATION; CALIFORNIA DEPARTMENT
OF EDUCATION; and Pittsburg Unified
SCHOOL DISTRICT, DOES 1-100,
INCLUSIVE

Defendants and Respondents.

Case No. MSN21-1755

UNLIMITED JURISDICTION

**PLAINTIFFS' REQUEST FOR
JUDICIAL NOTICE IN SUPPORT OF
THEIR OPPOSITION TO
DEFENDANT PITTSBURG UNIFIED
SCHOOL DISTRICT'S MOTION
FOR RENEWAL OF DEMURRER TO
OPERATIVE VERIFIED PETITION**

*[Filed concurrently with Plaintiffs-
Petitioners' Opposition to Demurrer;
Declaration of Amanda Schwartz]*

Date: January 12, 2023
Time: 9:00 a.m.
Dept.: 39

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1 Plaintiffs Mark S. and Rosa T. and Petitioners Jessica Black, Michell Redfoot, and Dr.
2 Nefertari Royston (together, "Plaintiffs-Petitioners") respectfully request the Court take judicial
3 notice of the existence and contents of the transcript of this Court's February 24, 2022 hearing on
4 Defendant Pittsburg Unified School District's January 11, 2022 Demurrer, attached as **Exhibit A**
5 to the Declaration of Amanda Schwartz ("Schwartz Decl."), for the purpose of showing what
6 issues were argued and what findings were made by this Court. *See Bailey v. Safeway, Inc.*, 199
7 Cal. App. 4th 206, 210 n. (2011) (finding a reporter's transcript of a hearing to be a proper
8 subject of judicial notice per California Evidence Code section 452(d)(1)).

9 Evidence Code § 452 provides in relevant part:

10 Judicial notice may be taken of the following matters to the extent that they
11 are not embraced within Section 451:

12 (d) Records of (1) any court of this state or (2) any court of record of
13 the United States or of any state of the United States.

14 And Evidence Code § 453 provides:

15 The trial court shall take judicial notice of any matter specified in Section
16 452 if a party requests it and:

17 (a) Gives each adverse party sufficient notice of the request, through the
18 pleadings or otherwise, to enable such adverse party to prepare to
19 meet the request; and

20 (b) Furnishes the court with sufficient information to enable it to take
21 judicial notice of the matter.

22 Here, as set out below, Plaintiffs-Petitioners seek judicial notice of a transcript that
23 is a record of this Court. Further, Plaintiffs-Petitioners have given all adverse parties
24 sufficient notice of this request, and has furnished the Court with information in the
25 Declaration of Amanda Schwartz sufficient to enable the Court to take judicial notice under
26 section 453 of the Evidence Code.

27 Thus, Plaintiffs-Petitioners request that the Court take judicial notice of the
28 following:

1 1. The reporter’s transcript of the February 24, 2022 hearing on Defendant Pittsburg
2 Unified School District’s January 11, 2022 Demurrer, filed herewith, as **Exhibit A** to the
3 Schwartz Decl.

4 2. From Exhibit A, that this Court acknowledged that Plaintiffs-Petitioners are
5 “challenging what they claim are certain cross-setting issues about the effect and the impact of
6 the policies of the District.”

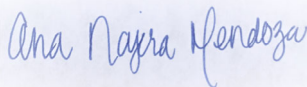
7
8 Date: December 29, 2022



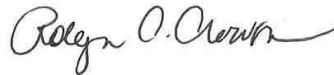
9 Malhar Shah
10 Claudia Center
11 DISABILITY RIGHTS EDUCATION AND
12 DEFENSE FUND



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14 Linnea Nelson
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17 AMERICAN CIVIL LIBERTIES UNION
18 FOUNDATION OF NORTHERN
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20 Ana G. Nájera Mendoza
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24 CALIFORNIA



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26 Amanda C. Schwartz
27 Geoffrey Warner
28 STEPTOE & JOHNSON LLP

Attorneys for Plaintiffs-Petitioners

1 PROOF OF SERVICE

2 I am a resident of, or employed in the County of Los Angeles, State of California. I am over the
3 age of 18 and not a party to this action. My business address is: Steptoe & Johnson LLP, 633
4 West Fifth Street, Suite 1900, Los Angeles, California 90071.

5 On **December 29, 2022**, I served the following listed document(s): **PLAINTIFFS’ REQUEST**
6 **FOR JUDICIAL NOTICE IN SUPPORT OF THEIR OPPOSITION TO DEFENDANT**
7 **PITTSBURG UNIFIED SCHOOL DISTRICT’S MOTION FOR RENEWAL OF**
8 **DEMURRER TO OPERATIVE VERIFIED PETITION** by the methods indicated below, on
9 the parties in this action:

8 State of California Deputy Attorney General California Department of Justice 455 Golden Gate Avenue # 11000 San Francisco, CA 94102	Jennifer.Bunshoft@doj.ca.gov
10 Tony Thurmond, in his official capacity as State Superintendent of Public School Instruction 1430 N Street, Suite 5111 Sacramento, CA 95814 12 State Board of Education 1430 N Street, Suite 5111 Sacramento, CA 95814 14 California Department of Education 1430 N Street, Suite 5111 Sacramento, CA 95814	VCale@cde.ca.gov LGarfinkel@cde.ca.gov
16 Pittsburg Unified School District c/o Katherine Alberts 1390 Willow Pass Rd #700 Concord, CA 94520	kalberts@leonealberts.com jjohnson@leonealberts.com service@leonealberts.com

18 **BY E-MAIL OR ELECTRONIC TRANSMISSION:** I caused the document(s) to be
19 sent from e-mail address mhernandez@steptoe.com to the persons at the e-mail addresses
20 listed in the Service List. I did not receive, within a reasonable time after the
transmission, any electronic message or other indication that the transmission was
unsuccessful.

21 **BY ELECTRONIC SERVICE:** I served the document(s) on the persons listed in the
22 Service List by submitting an electronic version of the document(s) to One Legal, LLC,
through the user interface at www.onlegal.com.

23 I declare under penalty of perjury under the laws of the State of California that the above
24 is true and correct.

25 Executed on December 29, 2022, at Los Angeles, California.

26 _____
27 *s/s Melissa Hernandez*
28 MELISSA HERNANDEZ