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9 Attorneys for Defendant CITY OF LOS ANGELES

10 UNITED STATES DISTRICT COURT

11 CENTRAL DISTRICT OF CALIFORNIA

12 CARL MITCHELL, MICHEAL
13 ESCOBEDO, SALVADOR ROQUE,
14 JUDY COLEMAN, as individuals; LOS
15 ANGELES CATHOLIC WORKER,
16 CANGRESS, as organizations,

17 PLAINTIFFS,

18 v.

19 CITY OF LOS ANGELES, a municipal
20 entity; LT. ANDREW MATHIS, SGT.
21 HAMER and SGT. RICHTER, in their
22 individual and official capacities,

23 DEFENDANTS.

CASE NO. CV16-01750 SJO (JPRx)
[Assigned to the Honorable S. James
Otero, Courtroom 1]

CITY OF LOS ANGELES' REQUEST
FOR JUDICIAL NOTICE IN
SUPPORT OF MOTION TO DISMISS
FIRST AMENDED COMPLAINT

Date: May 9, 2016
Time: 10 a.m.
Place: Courtroom 1

Meet and confer under L.R. 7-3
conducted on March 29, 2016

24 TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD HEREIN:

25 NOTICE IS HEREBY GIVEN that Defendant CITY OF LOS ANGELES
26 ("the City") respectfully requests that this Court take judicial notice of the following
27 document, which is a document filed with the City Clerk, and therefore a public
28 record:

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1) Government Code Claim presented by Plaintiffs to City Clerk on March 17, 2016, attached to this request as Exhibit 1.

DATED: April 5, 2016

MICHAEL N. FEUER, City Attorney
THOMAS H. PETERS, Chief Asst. City Attorney
ERIC BROWN, Deputy City Attorney

By: /s/ Eric Brown
ERIC BROWN
Deputy City Attorney

Attorneys for Defendant
CITY OF LOS ANGELES

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MEMORANDUM OF POINTS AND AUTHORITIES

It is proper for a federal court to take judicial notice of public matters without converting the motion to dismiss into a motion for summary judgment. *Mack v. South Bay Beer Distributors*, 798 F.2d 1279, 1282 (9th Cir. 1986) *abrogated on unrelated ground Astoria Fed. Savings & Loan Association v. Solimino*, 501 U.S. 104, 110-113 (1991).

Accordingly, Defendants respectfully request that the Court take judicial notice of the following document, which was filed with the City Clerk and is a public record:

- 1) Government Code Claim presented by Plaintiffs to City Clerk on March 17, 2016, attached to this request as Exhibit 1.

DATED: April 5, 2016

MICHAEL N. FEUER, City Attorney
THOMAS H. PETERS, Chief Asst. City Attorney
ERIC BROWN, Deputy City Attorney

By: /s/ Eric Brown
ERIC BROWN
Deputy City Attorney

Attorneys for Defendants
CITY OF LOS ANGELES

**Carl Mitchell, et al v. City of Los Angeles, et al
USDC Case No. CV16-01750 SJO (JPR)**

EXHIBIT 1

2/8

LAW OFFICE OF CAROL A. SOBEL
3110 MAIN STREET, STE. 210
SANTA MONICA, CALIFORNIA 90405
T. 310 393-3055 F. 310 451-3858
E. CAROLSOBEL@AOL.COM

RECEIVED
MAR 18 2016
CITY AND COMPLEX LITIGATION
CITY ATTORNEY'S OFFICE

March 16, 2016

City Clerk
City of Los Angeles
200 N. Main Street, 3rd Floor
Los Angeles, CA 90012

REFERRED TO CITY ATTORNEY
FOR DISPOSITION
MAR 17 2016
EGG 5:19PM

BY EGG
7/5 PRIORITY
CITY CLERK
2016 MAR 17 PM 1:53
FEDERAL
CITY CLERK'S OFFICE

RE: Government Code §910 Claim on Behalf of All Plaintiffs

To the City Clerk:

This letter shall serve as the notice of a tort claim filed pursuant to California Government Code §910, et seq. on behalf of the individual and organizational plaintiffs in *Mitchell v. City of Los Angeles*, 16-cv-01750 SJO, filed in the United States District Court for the Central District of California on March 14, 2016.

FACTS:

Please see the attached Complaint.

CLAIMS OF INJURY:

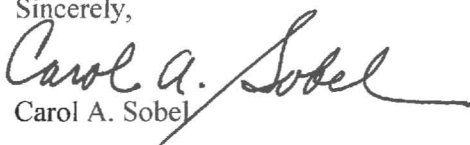
Please see the attached Complaint. In addition, Plaintiffs intend to amend the Complaint to add claims for the individual plaintiffs based on violations of federal and state disability discrimination laws - including Title II of the ADA, Section 504 of the Rehabilitation Act, and the California Unruh Civil Rights Act - based on the factual allegations set forth in the Complaint.

The amount of damages is subject to the findings of a jury. In no account are the damages less than the \$4,000 per incident provided as statutory damages under California civil rights laws.

CONTACT INFORMATION:

All communications concerning this tort claim should be directed to the undersigned counsel. The address, telephone and email contact for counsel is included in the letterhead.

Sincerely,


Carol A. Sobel