

1 **CAROL A. SOBEL** SBN 84483  
2 **COLLEEN M. MULLEN** SBN 299059  
3 **JUSTINE M. SCHNEEWEIS** SBN 305672  
4 **LAW OFFICE OF CAROL A. SOBEL**  
5 3110 Main Street, Suite 210  
6 Santa Monica, California 90405  
7 T. 310 393 3055  
8 E. carolsobel@aol.com  
9 E. mullen.colleen1@gmail.com  
10 E. Justine.schneeweis@gmail.com

11 **JOHN P. GIVEN** SBN 269787  
12 2461 Santa Monica Boulevard, #438  
13 Santa Monica, California 90404  
14 T. 310 471-8485  
15 E. john@johngiven.com

16 Attorneys for Plaintiffs

17 **UNITED STATES DISTRICT COURT**

18 **IN AND FOR THE CENTRAL DISTRICT OF CALIFORNIA**

19 **VENICE JUSTICE COMMITTEE, et al.,** Case No. cv-16-01115 DDP (SSx)

20 Plaintiffs,

21 v.

22 **CITY OF LOS ANGELES, et al.,**

23 Defendants.

24 **PLAINTIFFS' REQUEST FOR**  
25 **JUDICIAL NOTICE IN SUPPORT**  
26 **OF THEIR OPPOSITION TO**  
27 **THE MOTION TO DISMISS**

28 Date: August 1, 2016  
Time: 10:00 a.m.  
Ctm: 3

1 Plaintiffs request that the Court take judicial notice of the 1906 deed from  
2 the Abott Kinney Co. and the City of Ocean Park, giving the property now known  
3 as the Venice Boardwalk “to be used for the construction of a public sidewalk and  
4 for no other purpose.” A true and correct copy of the deed is attached as Exhibit  
5 1. The document bears the official seal of the City of Los Angeles, attesting to the  
6 fact that Exhibit 1 is a “true and exact copy” of the document in the files of the  
7 City of Los Angeles.

8 A fact may be judicially noticed if it is not subject to reasonable dispute  
9 because it is “capable of accurate and ready determination by resort to sources  
10 whose accuracy cannot reasonably be questioned.” *United States v. Burch*. 169  
11 F.3d 666, 671 (10th Cir. 1999) (quoting FRE 201(b)(2)). The Court is required to  
12 take judicial notice of a fact “if a party requests it and the court is supplied with  
13 the necessary information.” FRE 201(c)(2).

14 As a publicly available document bearing the official seal of the Defendant  
15 City, the deed which is the subject of this request for judicial notice is precisely  
16 the type of fact that is “capable of accurate and ready determination by resort to  
17 sources whose accuracy cannot reasonably be questioned.” FRE 201(b)(2). *See*  
18 *also Reiner v. Washington Plate Glass Co., Inc.*, 711 F.2d 414, 416 (D.C. Cir.  
19 1983) (judicial notice is properly taken of a deed).

20  
21 Dated: July 10, 2016

Respectfully submitted,

LAW OFFICE OF CAROL A. SOBEL

23 /s/ Carol A. Sobel  
24 By: CAROL A. SOBEL  
Attorneys for Plaintiffs

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document and the Opposition to the Motion to Dismiss were served this date on all counsel of records by means of the Court’s Electronic Court Filing system (“ECF”).

Dated: July 10, 2016

/s/ Carol A. Sobel  
\_\_\_\_\_  
CAROL A. SOBEL

**EXHIBIT 1**

2628/137

(43)

*City Map No 1*

① ②

THIS INDENTURE, Made the 31st day of January in the year of our Lord one thousand nine hundred six (1906)

Between Abbot Kinney Co., a corporation, and A. R. Fraser, G. M. Jones and H. R. Gage, of Los Angeles County, California, the parties of the first part, and The City of Ocean Park a municipal corporation, of Los Angeles County, California, the party of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of Five (\$5.00) Dollars, lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, have remised, released and forever quitclaimed, and by these presents do remise, release and forever quitclaim unto the said party of the second part, and to its successors and assigns, all that certain lot, piece or parcel of land, situate, lying and being in the City of Ocean Park County of Los Angeles, and State of California, and bounded and particularly described as follows, to-wit:

The Northeasterly twenty (20) feet, front and rear, of that portion of Lot No. 176 & 179, Crescent Bay Tract lying south of the southerly line of Marine Street extended, according to a map of said tract recorded in Book 2, Page 13 & 14 of Maps, records of said Los Angeles County; The North Easterly twenty (20) feet, front and rear, of Lots A, B, C, D, E, F, G, H & I, Golden Bay tract, according to a map of said tract recorded in Book 2, Page 15 of Maps, records of said Los Angeles County; the North Easterly twenty (20) feet, front and rear, of Lots No. 8, 9, 10, 11 and 12 of the Country Club tract, according to a map of said tract recorded in Book 3, page 76 of Maps, records of said Los Angeles County;

The above described strip of land adjoins the board walk on the west, along the Ocean Front, from the southerly line of Marine street extended, to the Northerly line of Horizon Avenue.

TOGETHER with all and singular the tenaments, hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and also all the estate, right, title interest, property possession, claim and demand whatsoever, as well in law as in equity, of the said parties of the first part, of, in or to the said premises, and every part and parcel thereof with the appurtenances.

TO HAVE AND TO HOLD, All and singular the said premises, together with the appurtenances unto the said party of the second part, and to its successors and assigns forever:--

IT BEING HEREBY UNDERSTOOD AND AGREED that said strip of land is to be used for the construction of a public sidewalk and for no other purpose.

IN WITNESS WHEREOF the Abbot Kinney Co. of the first part has hereunto caused its corporate name and seal to be affixed by its President thereunto duly authorized and the other said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered in the Presence of

A. R. Fraser  
Abbot Kinney Co.,  
by Abbot Kinney, Pres.  
G. M. Jones  
H. R. Gage

*checked 11/12/24  
Truckey Road*



I HEREBY CERTIFY THIS TO BE A TRUE AND EXACT COPY

*Michael Holland*

Deputy City Clerk

DATE 9-29-2014