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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL RICHARDSON,

Plaintiff,

JEFFERSON SESSIONS, in his official capacities; XAVIER BECERRA, in his official capacities,

Defendants.

2:17-cv-1838 JAM AC PS
DEFENDANT'S OBJECTIONS TO PLAINTIFF'S MOTION AND REQUEST FOR JUDICIAL NOTICE

Judge: The Honorable John A. Mendez
Trial Date: None Set
Action Filed: September 5, 2017

1 Defendant Attorney General Xavier Becerra, in his official capacity as Attorney General of
2 the State of California, submits the following objections to Plaintiff's Motion and Request for
3 Judicial Notice (RJN), ECF No. 29:

4 **Objection No. 1**

5 Defendant objects to the entirety of the RJN, including each exhibit.

6 **Grounds for objection:** RJN was not timely filed in pursuant to the Magistrate Judge's Findings
7 and Recommendations. See ECF No. 24 at 19.

8 **Objection No. 2**

9 Defendant objects to judicial notice of the contents of each report cited in the RJN. See
10 RJN at 3-8.

11 **Grounds for objection:** The contents of each report are not "generally known" and cannot be
12 "accurately and readily determined from sources whose accuracy cannot reasonably be
13 questioned." Fed. R. Evid. 201(b).

14 **Objection No. 3**

15 Defendant objects to judicial notice of the content of the excerpt from the Declaration of
16 Dr. Karl Hanson in *Doe v. Harris*, 772 F.3d 563, 572 (9th Cir. 2014). See RJN at 3-8.

17 **Grounds for objection:** The contents of the declaration, including the facts and opinions
18 asserted, are not "generally known" and cannot be "accurately and readily determined from
19 sources whose accuracy cannot reasonably be questioned." Fed. R. Evid. 201(b).

20 **Objection No. 4**

21 Defendant objects to the judicial notice of the content of the "Video presentation generated
22 by California Sex Offender Management Board 2016." See RJN at 5.

23 **Grounds for objection:** The contents of the video are not "generally known" and cannot be
24 "accurately and readily determined from sources whose accuracy cannot reasonably be
25 questioned." Fed. R. Evid. 201(b).

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Objection No. 5

Defendant objects to the judicial notice “Static 99R Risk Assessment Tool: Static 99R risk assessment that is a tool that is widely used by the CASOMB and is the leading risk assessment tool: For the predictive factors for re-offense of sex offenders, and which can be found on the Internet at <https://nicic.gov/static-99r> [visited on March 11, 21018 [sic].” See RJN at 8.

Grounds for objection: The material is not “generally known” and cannot be “accurately and readily determined from sources whose accuracy cannot reasonably be questioned.” Fed. R. Evid. 201(b).

Dated: May 16, 2018

Respectfully submitted,
XAVIER BECERRA
Attorney General of California

/s/ Gabrielle D. Boutin
GABRIELLE D. BOUTIN
Deputy Attorney General
*Attorneys for Defendant
Attorney General Xavier Becerra*

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