

**REID & HELLYER**

A Professional Corporation

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Attorneys for Defendants Beaumont Citizens for Responsible Growth, Judith Bingham, Mary Daniel, Nancy Hall

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**

**FOR THE COUNTY OF RIVERSIDE**

URBAN LOGIC CONSULTANTS, INC., a  
California corporation; DEEPAK MOORJANI,  
an individual; ERNEST EGGER, an individual;  
and DAVID DILLON, an individual,

Plaintiffs,

v.

BEAUMONT CITIZENS FOR RESPONSIBLE  
GROWTH, a California entity of unknown type,  
JUDITH BINGHAM, an individual; MARY  
DANIEL, an individual; NANCY HALL, an  
individual ; and DOES 1 through 20, inclusive,

Defendants.

CASE NO. RIC 10019763

The Hon. Comm. Paulette Durand-Barkley  
Dept. 02

**REQUEST FOR JUDICIAL NOTICE IN  
SUPPORT OF DEFENDANTS' SPECIAL  
MOTION TO STRIKE COMPLAINT [Code  
Civ. Proc. § 425.16]**

DATE:

TIME:

DEPT: 02

Defendants Beaumont Citizens for Responsible Growth, Judith Bingham, Mary Daniel, and Nancy Hall (collectively, "Defendants") hereby request that the Court take judicial notice of the following:

1. Pursuant to California Evidence Code sections 451 subsection (f), 452 subsections (b) and (h), and 453 and McPheeters v. Board of Medical Examiners of State of California (1946) 74 Cal.App.2d 46, 47, Defendants respectfully request the Court to take judicial notice of the following public records generated and/or maintained by the City of Beaumont:

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- a. Agreement for Technical and Professional Services Comprehensive Public Facilities Financing Program for the City of Beaumont dated March 22, 1993, a true and correct copy of which is attached hereto as Exhibit "1;"
- b. Agreement for Planning, Economic Development, and Public Works Services dated September 27, 1993, a true and correct copy of which is attached hereto as Exhibit "2;"
- c. Agreement Amending the Agreement for Planning, Economic Development, and Public Works Services dated April 11, 1994, a true and correct copy of which is attached hereto as Exhibit "3;"
- d. Negative Environmental Impact Report dated July 2, 1993, a true and correct copy of which is attached hereto as Exhibit "4;"
- e. Professional Services Agreement: Operation and Maintenance of City of Beaumont's Wastewater Treatment Facility and Sewer System dated February 19, 2002, a true and correct copy of which is attached hereto as Exhibit "5;"
- f. Statement of Economic Interest (California Form 700) for Deepak Moorjani dated January 6, 2005, a true and correct copy of which is attached hereto as Exhibit "6;"
- g. Statement of Economic Interest (California Form 700) for Ernest Egger dated January 6, 2004, a true and correct copy of which is attached hereto as Exhibit "7;"
- h. Statement of Economic Interest (California Form 700) for David Dillon dated January 31, 2004, a true and correct copy of which is attached hereto as Exhibit "8;"
- i. Statement of Economic Interest (California Form 700) for James Love dated February 10, 2004, a true and correct copy of which is attached hereto as Exhibit "9;"
- j. Staff Report and attached Project Progress Report dated September 21, 2004, a true and correct copy of which is attached hereto as Exhibit "10;"
- k. Staff Report dated February 15, 2005, a true and correct copy of which is attached hereto as Exhibit "11;"
- l. Staff Report dated March 4, 2008, a true and correct copy of which is attached hereto as Exhibit "12;"

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- 1 m. Staff Report dated June 21, 2005, a true and correct copy of which is attached  
2 hereto as Exhibit "13;"
- 3 n. Staff Report dated July 19, 2005, a true and correct copy of which is attached  
4 hereto as Exhibit "14;"
- 5 o. Staff Report dated October 18, 2005, a true and correct copy of which is  
6 attached hereto as Exhibit "15;"
- 7 p. Staff Report and attached Project Progress Report dated February 7, 2006, a  
8 true and correct copy of which is attached hereto as Exhibit "16;"
- 9 q. Staff Report dated January 22, 2008, a true and correct copy of which is  
10 attached hereto as Exhibit "17;"
- 11 r. Staff Report dated April 1, 2008, a true and correct copy of which is attached  
12 hereto as Exhibit "18;"
- 13 s. California Department of Housing and Community Development  
14 correspondence to Ernest Egger dated August 17, 2010, a true and correct copy of which is attached  
15 hereto as Exhibit "19;"
- 16 t. Agreement Public Works Contract between the City of Beaumont and  
17 Beaumont Electric, Inc. dated May 6, 2008, a true and correct copy of which is attached hereto as  
18 Exhibit "20;"
- 19 u. City of Beaumont Claim Form and attachment thereto dated May 29, 2008, a  
20 true and correct copy of which is attached hereto as Exhibit "21;"
- 21 v. City of Beaumont Correspondence dated September 2, 2009 signed by Ernest  
22 Egger, a true and correct copy of which is attached hereto as Exhibit "22;"
- 23 w. City of Beaumont Correspondence dated May 11, 2010 signed by Ernest  
24 Egger, a true and correct copy of which is attached hereto as Exhibit "23;"
- 25 x. Decision of Hearing Officer and Order to Abate Public Nuisance dated  
26 October 5, 2010, a true and correct copy of which is attached hereto as Exhibit "24;"
- 27 y. Business cards for Ernest Egger, Deepak Moorjani, and David Dillon, true  
28 and correct copies of which are attached hereto as Exhibit "25;"

1           z.       City of Beaumont Accounting Ledger dated August 16, 2004 and attached  
2 Urban Logic invoices, true copies of which are attached hereto as Exhibit "26;"  
3           aa.     City of Beaumont Accounting Ledger dated February 16, 2005 and attached  
4 Urban Logic invoices, true copies of which are attached hereto as Exhibit "27;"  
5           bb.     Beaumont Electric Invoice No. 11187 dated August 20, 2008, a true and  
6 correct copy of which is attached hereto as Exhibit "28;"  
7           cc.     Beaumont Electric Invoice No. 10929 dated January 23, 2008, a true and  
8 correct copy of which is attached hereto as Exhibit "29;"  
9           dd.     Beaumont Electric Invoice No. 10894 dated December 20, 2007, a true and  
10 correct copy of which is attached hereto as Exhibit "30;"  
11          ee.     State of California Department of Housing and Community Development  
12 letter dated October 22, 2009 to Ernest Egger, a true and correct copy of which is attached hereto as  
13 Exhibit "31."

14          2.       Pursuant to California Evidence Code sections 451 subsection (f), 452 subsections  
15 (b) and (h), and 453 and Evans v. City of Berkeley (2006) 38 Cal.4th 1, 9, fn. 5, Defendants  
16 respectfully request the Court to take judicial notice of the following meeting minutes generated by  
17 the City of Beaumont:

18           a.       Minutes dated March 22, 1993, a true and correct copy of which is attached  
19 hereto as Exhibit "32;"  
20           b.       Minutes dated September 27, 1993, a true and correct copy of which is  
21 attached hereto as Exhibit "33;"  
22           c.       Minutes dated April 11, 2004, a true and correct copy of which is attached  
23 hereto as Exhibit "34;"  
24           d.       Minutes dated June 21, 2005, a true and correct copy of which is attached  
25 hereto as Exhibit "35;"  
26           e.       Minutes dated July 19, 2005, a true and correct copy of which is attached  
27 hereto as Exhibit "36;"

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1 f. Minutes dated October 18, 2005, a true and correct copy of which is attached  
2 hereto as Exhibit "37;"

3 g. Minutes dated April 1, 2008, a true and correct copy of which is attached  
4 hereto as Exhibit "38;"

5 i. Minutes dated August 5, 2008, a true and correct copy of which is attached  
6 hereto as Exhibit "39;"

7 h. Minutes dated June 2, 2009, a true and correct copy of which is attached  
8 hereto as Exhibit "40;"

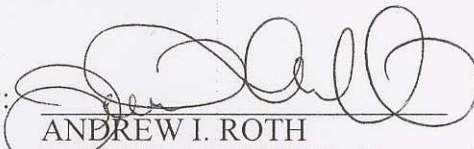
9 3. Pursuant to California Evidence Code sections 452 subsection (h) and 453,  
10 Defendants respectfully request the Court to take judicial notice of California Secretary of State  
11 business status document for Urban Logic Services Incorporated, a true and correct copy of which is  
12 attached hereto as Exhibit "41;"

13 4. Pursuant to California Evidence Code sections 452 subsection (b) and 453,  
14 Defendants respectfully request the Court to take judicial notice of City of Beaumont Municipal  
15 Code section 3.02.050, a true and correct copy of which is attached hereto as Exhibit "42;"

16 5. Pursuant to California Evidence Code sections 451 subsections (a) and (f) and 453,  
17 Defendants respectfully request the Court to take judicial notice of Public Contract Code sections  
18 20162 and 20163, true copies of which are attached hereto as Exhibit "43."

19 DATED: January 10, 2011

REID & HELLYER  
A PROFESSIONAL CORPORATION

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21 By:   
22 ANDREW I. ROTH  
23 JAMES J. MANNING, JR.  
24 JENNA L. ACUFF  
25 Attorneys for Defendants Beaumont  
26 Citizens for Responsible Growth, Judith  
27 Bingham, Mary Daniel, Nancy Hall  
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