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11
12 UNITED STATES DISTRICT COURT
13 FOR THE CENTRAL DISTRICT OF CALIFORNIA
14 EASTERN DIVISION – RIVERSIDE
15

16 QUINTON GRAY, et al., on behalf of
17 themselves and all others similarly
18 situated,
19 Plaintiffs,
20 v.
21 COUNTY OF RIVERSIDE,
22 Defendant.

Case No. EDCV13-0444 VAP (OP)

CLASS ACTION

**PLAINTIFFS' REQUEST FOR
JUDICIAL NOTICE**

Date: To Be Determined

Time: To Be Determined

Crtrm.: Telephonic

Judge: Hon. Virginia A. Phillips

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INTRODUCTION

Pursuant to Federal Rule of Evidence 201, and in connection with Plaintiffs’ Emergency Motion to Enforce or, in the Alternative, Modify Consent Decree, Plaintiffs respectfully request that the Court take judicial notice of the following orders and directives:

1. Order Authorizing Sacramento County Sheriff’s Department to Grant Release (Cal. Super. Ct., Sac. Cty., Mar. 25, 2020) (granting the sheriff authority to release 421 people from county jail “[b]ecause the parties agree that it is in the best interest of public health to reduce the population of the Sacramento County Jail System”) (attached hereto as Exhibit 1);
2. General Order Releasing Named Persons from Santa Rita County Jail Due to COVID-19 Pandemic, *In re: List of 247 Persons in Santa Rita County Jail* (Cal. Super. Ct., Alameda Cty., Mar. 19, 2020) (ordering the release of 247 sentenced people from the Alameda County jails “in light of the COVID-19 pandemic”) (attached hereto as Exhibit 2);
3. Local Rule 4.115, *Emergency Rule Adopting Temporary Emergency Bail Schedule* (Cal. Super. Ct., Alameda Cty., effective April 3, 2020) (suspending the Uniform Bail Schedule and adopting an emergency bail schedule “[d]uring the COVID-19 crisis”) (attached hereto as Exhibit 3);
4. Standing Order of the Court Deferring Sentence Surrender Dates and Permitting Sheriff to Authorize Credit for Participation in the Sheriff Work Program (Cal Super. Ct., Santa Clara Cty., Mar. 18, 2020) (recognizing that people who live or work in the jail “are at a particular risk to COVID-19 due to the confined nature of the jail environment” and that “[r]educing the jail population is a critical preventative measure,” and so continuing surrender dates for 60 days and authorizing extended credit for Sheriff’s Work Program) (attached hereto as Exhibit 4);

- 1 5. Ruling re: Authorizing Release of Sentenced Inmates Pursuant to Gov.
2 Code Section 8658, *In re the Application of Orange County Sheriff's*
3 *Dep't*, (Cal. Super. Ct., Orange Cty., Mar. 27, 2020) (finding that “inmates
4 in the Orange County Jail live, work, eat and recreate within a close
5 environment in which it is not feasible to maintain six (6) feet of distance
6 between each inmate,” which “heightens the potential for COVID-19 to
7 spread,” and so clarifying the Sheriff’s authority to release people “in this
8 time of crisis” under Government Code Section 8658) (attached hereto as
9 Exhibit 5);
- 10 6. Consent Order, *In re Request to Commute or Suspend County Jail*
11 *Sentences*, Docket No. 084230 (N.J. Mar. 22, 2020) (ordering the release
12 of a large class of people incarcerated in county jail “in light of the Public
13 Health Emergency” caused by COVID-19) (attached hereto as Exhibit 6);
- 14 7. *Committee for Public Counsel Servs. v. Chief Justice of the Trial Ct.*, Case
15 No. SJC-12926 (Mass. April 3, 2020) (Slip. Op.) (recognizing “that the
16 situation is urgent and unprecedented, and that a reduction in the number
17 of people who are held in custody is necessary,” and so ordering courts to
18 hold expedited bail hearings with a rebuttable presumption of release for
19 many pretrial detainees, and ordering the prisons and jails to provide daily
20 reports regarding COVID-19) (attached hereto as Exhibit 7);
- 21 8. Amended Order, *In re Statewide Response by Washington State Courts to*
22 *the COVID-19 Public Health Emergency*, No. 25700-B-607 (Wash. Mar.
23 20, 2020) (ordering courts to “hear motions for pretrial release on an
24 expedited basis” and “find[ing] that for those identified as part of a
25 vulnerable or at-risk population by the Centers for Disease Control,
26 COVID-19 is presumed to be a material change in circumstances”)
27 (attached hereto as Exhibit 8);

1 9. General Order Bond for Certain Offenses (Tex. Crim. Dist. Ct. Trial Div.,
2 Harris Cty., Mar. 21, 2020) (ordering “the immediate release of people
3 arrested and charged with certain non-violent state jail felony offenses”)
4 (attached hereto as Exhibit 9).¹

5 **LEGAL STANDARD**

6 Federal Rule of Evidence 201(b)(2) permits the court to take judicial notice of
7 facts that “can be accurately and readily determined from sources whose accuracy
8 cannot reasonably be questioned.” Courts regularly take judicial notice of
9 “undisputed matters of public record, including documents on file in federal or state
10 courts.” *Harris v. Cty. of Orange*, 682 F.3d 1126, 1132 (9th Cir. 2012) (citing *Lee*
11 *v. City of Los Angeles*, 250 F.3d 668, 689 (9th Cir. 2001) and *Bennett v. Medtronic,*
12 *Inc.*, 285 F.3d 801, 803 n.2 (9th Cir. 2002)); *see also United States ex rel. Robinson*
13 *Rancheria Citizens Council v. Borneo*, 971 F.2d 244, 248 (9th Cir. 1992) (“[W]e
14 ‘may take notice of proceedings in other courts, both within and without the federal
15 judicial system, if those proceedings have a direct relation to matters at issue.”
16 (citation omitted)).

17 The court orders and directives included in this request plainly meet this
18 standard. And, these documents are relevant to Plaintiffs’ Emergency Motion
19 because they demonstrate that courts across the nation have responded with urgent
20 and significant action to the unprecedented risk that COVID-19 poses to people in
21 jails and prisons.

22 **CONCLUSION**

23 Plaintiffs respectfully request this Court grant their request for judicial notice.
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25 _____
26 ¹ The University of Michigan Law School is maintaining a list of court orders
27 and directives for releases and other COVID-19 responses here:
28 <https://clearinghouse.net/results.php?searchSpecialCollection=62>.

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Dated:

PRISON LAW OFFICE

By: _____/s/_____
SARA NORMAN
Attorney for Plaintiffs